

PROCEEDINGS

of a

MILITARY COURT FOR THE
TRIAL OF WAR CRIMINALS

held at

LUNEBERG, GERMANY.

on

THURSDAY 15 NOVEMBER, 1945.

upon the trial of

JOSEF KRAIER.

and

44 Others.

FIFTY - SECOND DAY.

Transcript of the Official
Shorthand Notes.

(At 0915 hours the Court reassembles pursuant to adjournment, the same President, Members and Judge Advocate being present).

(The accused are again brought before the Court).

THE PRESIDENT: I shall now call on the learned Judge Advocate to continue his summing-up.

THE JUDGE ADVOCATE: Last night, when we adjourned, I was about to proceed with the case of Irma Grese in regard to Belson. I do not propose to refer any further to the accused herself, but just to remind you that apparently she came to Belson in March, 1945. She agrees that transports were arriving almost daily and that the camp was over-crowded and that the conditions were very bad. She took over the duty of Arbeitsdienstfuhrerin and she says she went into the woods with working parties, then she helped to get the camp tidy round about the kitchen.

She says that she did not beat anyone in Belson except a kapo who did not work, but lay in the sun. She denies that she tried to curry favour with the prisoners before the liberation took place and she explains that she remained at the camp because she had somebody she was interested in there and wanted to stay.

Now the case for the Prosecution appears to be that of Dora Szafran, who says that before the British arrived at Belson, Grese used a stick and that she had a pistol and a riding crop, and that she made fairly severe beatings in the kitchen. She was not in charge of the kitchen, but came on inspection as a Lagerfuhrer. Then she added: "If the beatings did not cause a death they were not considered severe".

Grese says: "A fortnight before the British came I never beat a girl with a riding whip". She agrees she was arbeitsdienstfuhrerin, but she says she was responsible for outside work and she denies that she ever had a whip at Belson, and I think that is corroborated by Muller.

Sunschein says: "I know very little about her at Auschwitz, but at Belson she was the arbeitsdienstfuhrerin. She behaved very badly, and on one occasion on coming back a girl lost a piece of rag from her pocket and the whole kommando, as a punishment, had to run about for half an hour".

Irma Grese says: "It is true I did see the kitchen workers coming back and they were stopped by an aufseherin. I saw food parcels being thrown away, and I was told they consisted of meat. I asked who had done this and they would not answer, so I said they must make sport until they did. We did this for half an hour and then I was told who had thrown the parcels away. I did not report this incident as they had been sufficiently punished".

Klein said: "I have never seen Grese with a dog at Auschwitz, but I have heard many bad things of her beating people in Belson. She made sport with us, fall down and get up for two hours. There were various kinds of torture - crawling, and the speed was increased all the time, and we did it in a sort of group. A special place was chosen for this sport. We wore our normal clothing. If anyone stopped Grese beat them with a riding whip she always had with her. I know this of my own knowledge as I went through it myself. I was only beaten once by Grese at the sport, when I got up improperly".

Grese said: "I did not beat anyone with a whip at this sport. I once ordered a kitchen party to do sport but, of course, without stones in their hands".

Lasker says: "She carried a whip in Belson", and that, I think sufficiently sums up the allegations for the Prosecution against Grese.

Well, gentlemen, I am not going to detain you any longer with that evidence. You have heard it and heard her explanations, and I leave you to decide whether or not the Prosecution have made out their case in regard to Belson.

Now Ilse Lothe. She apparently came in March of 1945 to Belson with a transport of pregnant women. I think she says she arrived at Belson about the 4th March. She says at Belson she was ill for about three weeks, and then became a kapo in the vegetable kommando, which consisted of mostly Russians, and a few Hungarians and Polish Jewesses. She says she was put on this job by Volkenrath. She says she continued on this duty until, I think, the 14th April, 1945.

She says that she was appointed a kapo when the arbeitsdienstfuhrer went along and said to her: "You will take on from tomorrow", and she could not do anything about it; she was not consulted and she could not refuse or she would have got 25 strokes.

Now the evidence against Lothe in regard to Belson. I thought it advisable to check up my note, because I cannot find anything specific to point to in the evidence for the Prosecution against this woman in regard to Belson, and I am corroborated in that view by the members of the Court, so I do not propose to say anything more in my summing-up about Ilse Lothe.

~~The next accused is Hilda Lobauer.~~ Apparently she also came to Belson with Lothe with this transport of pregnant women round about the 4th or 5th March, 1945. She says that when she came Irma Grese was the arbeitsdienstfuhrerin at Belson and that Ehlert was in charge of the convoy of pregnant women.

Now the evidence against her appears to me to be that of Gertrud Diamant who says that Lobauer was not a member of the S.S. at all but a prisoner at Belson. "I have seen her savagely beating women and girls with a stick in many ways. Her ill-treatment was worse than the S.S. women. Many victims collapsed but I have no evidence they died. Lobauer was in charge of working parties under Grese".

Gentlemen, that is a very general sort of statement, not giving any sort of particulars, and we have had no opportunity of enquiring from Diamant exactly what she alleges the accused has done, but Lobauer, presumably, says she denies that anything of this kind happened and she says she never carried a stick at Belson.

Now there is also an affidavit of Miriam Weiss, a Yugoslavian Jewess, who says she recognised Lobauer in the photograph as an arbeitsdienst and in March 1945, when they were confined to their block, Weiss says she went out to take back some food containers and that the accused caught her and beat her with her fist so hard that she had ear trouble.

The accused says: "I remember this incident; it might be true. On the March inspection everyone was ordered to remain in the blocks, and it is quite likely she did run out and that I beat her. Prisoners knew that they must remain the blocks".

Then there was an affidavit of Regina Bornstein, a Jewess from Lodz. She identified No. 3 in the photograph as an internee in charge of working parties at Belson. "I knew her as Hilda and I have now been told her full name. In February or March, 1945, I was on a working party. One girl appeared with no shoes and had a piece of wood and blanket round her feet. She was beaten for this on the head with the accused's hand. She tore her dress and made her take off her home-made shoes. The girl worked all day bare-footed. The accused was a very brutal person at beating women with a truncheon".

The accused says: "I agree I took away blankets from women who put them round their feet, but they did not have to go bare-footed as they still had their shoes on." Then there is the affidavit by Lobauer which is before you, and you can consider it.

Now that appears to be the evidence which the Prosecution offer in support of the Belsen charge, and I think, gentlemen, it might be opportune to remind you that at Belsen it is common ground that there were a large number of very sick and feeble people, and if one resorts to violence by snacking people or striking people that may be one thing if they are fit and strong, but if they are weak and not in a fit condition, striking may be one a very long and improper thing. You may think that there is a world of difference between striking a fit man or woman and striking one who has got into a condition of apathy through the emaciated condition resulting from lack of food. These are, naturally, matters which you will consider in due course when you come to consider the whole case.

Now the next accused is Klippel, and the case against him is quite short. There is an affidavit of Anna Jakubowice, who is a Czech and who apparently had some of her relatives sent to the gas chamber at Auschwitz. The deponent went to Belsen on the 1st January, 1945. She was employed as a cook in Belsen and Josef Klippel, No. 5 on the photograph, she says was the cook in charge. "I have seen him frequently beat women with a rubber stick when they approached the kitchen for food. On two occasions in March, 1945. I saw him shoot a woman dead. Both were Jewesses; I do not know their names".

Now Klippel was born on the 24th December, 1909, and he a Hungarian of German descent. He told you what his history was and I do not think I need go through that. He says that he arrived in Bergen-Belsen about 5 o'clock, I think it was, on the 11th April 1, 1945. He says he reported there to his superior officer and was ordered to go to his late chief in the food store, and he says he had to work with him. He told you what his duties were during the next day, and he says that on the 12th or 13th April the whole administration went to Neuengamme, the S.S. guards went away also, and he was told on the 13th April by Hoessler to take charge of kitchen No. 24.

He says that he carried on with his duties and that there were no women prisoners in the kitchen. He says he stayed in the cookhouse until the 16th April and was arrested on the 16th April at 9 o'clock at night. He says that up to this time he had never been in Belsen concentration camp itself, and the first time he saw Kramer was in Celle prison. He said he had a rifle at Bergen but he did not take it with him.

Now he called certain witnesses. There was one Paul Kroutzer, and I think the point of his evidence was to establish that he could not have been in Bergen-Belsen until the date Klippel swears to. Then he called Frau Sochtig who, I suppose, should be treated as an entirely independent witness. She was a married woman and she says she knew the accused, that she recognised that he was employed in the camp at Mittelbau and that she saw him regularly there between January, 1945 and the 5th April, 1945. "I last saw him on the 7th April at the station when the transports stopped at Tottenborn station between Nordhausen and Osterode".

Then there was another witness, Klitscho, a warden in the S.S., who says something of the same kind, which I do not think I need go into, which corroborates that the accused was away from Bergen-Belsen at the material time. There was another witness, Stefan Hermann, also in the S.S., and I think he is called also for the same purpose.

Now you have the accused giving evidence, and you have a number of witnesses corroborating him as to a date. The accused himself says: "I never was in Belsen, and therefore in any event this affidavit cannot be

right. To test the worth of the affidavit he challenges the date of March, 1945, when it is alleged he committed a couple of murders, and he invites you to deal with the problem how he could have killed two people in Belsen in March, 1945, when at that time he was not there and had not arrived, at any rate upon a very great deal of evidence, until the 5th or 6th or even later in April, 1945. I think the actual date you will probably accept of his coming to Belsen would be about the 11th April.

Now it is for you to say. Does this evidence satisfy you that this woman has got the right man? I would again remind you, gentlemen, that when you come to deal with an affidavit you are apt to get yourself on a very slippery slope if you once begin saying: "Well, the incident might be right; it sounds quite likely, but the time was wrong or the place was wrong". It is a question of how far you are going. You may, if you like, of course, say: "The witness has got the wrong time, the wrong place and I am not, therefore, impressed with the actual facts she talks about, but it may be she has just made a mistake about the time and the place and the details, but something of this kind must have happened". Well, gentlemen, I am sure none of you will want to argue that way in regard to an affidavit and you will, within reason, only accept an affidavit in regard to what it actually sets out. Are you satisfied that the Prosecution can ask you properly to convict Klippel in regard to responsibility for that particular incident.

The next accused is No. 14, Oscar Schmiedt. Now this man is a German and he was born in Cologne on the 23rd February, 1916. He seems to have had a ~~communistic~~ background, and resented and refused to co-operate according to his own story, with any of the sort of mass movements which were created by Hitler in those days.

He seems to have done a variety of jobs, and then he frankly admits he was arrested for criminal offences, and that he was punished by being put into prison. That was not sufficient and he committed further offences, stealing a motorcar in October, 1936, and he was again put into prison. Now that has come out from the defence, and you will treat it in its proper perspective. It does not mean that because a man has been a criminal and been convicted that you should necessarily disbelieve him on his oath, but he does come before you frankly admitting that those were his antecedents.

I do not think I need take you through his life in concentration camps, because that was where he came, but he does agree that in January, 1945, he held some sort of office as a functionary, as a lagermeister, at some small working party. He was an engineer and for what it is worth the Prosecution say he did at one time become a sort of functionary serving the Germans.

He says that on the 5th April he was evacuated and that eventually - we need not go through the journey - he says he arrived at Bergen-Belsen on the morning of the 10th April, 1945. He says that he went to the Wehrmacht barracks. He says he arrived with the first transport and that they took over three blocks and there were very few Germans in the convoy.

I think one thing is quite clear, and that is that in a concentration camp there is one treatment for the unfortunate Jew and there is quite a different treatment for a German, and I think this accused is telling you that when he arrived there that because there were few Germans he was made a lagermeister by the prisoners - whatever that means. That is what he told us, that he was made a lagermeister in the Wehrmacht barracks by the prisoners.

He says that he went to Hoessler - who, as you know, was in charge of these barracks - and insisted that something must be done about food and he says that as a result of his efforts food was prepared.

On the 11th he says that a lorry arrived with bread, turnips and potatoes. He said there was an enormous mixture of nationalities in the Wehrmacht barracks, and he says that he himself started to arrange them in nationalities, after consulting Hoessler. He went day after day for two or three days from block to block, trying to sort out the nationalities. By the 16th April he had finished this job, having organised people into different nationalities, and you are invited to consider whether Brigadier Glyn-Hughes' evidence does not bear this out. He says that he was able to do this job quite satisfactorily without using any force.

Now, gentlemen, you get from that a picture of a sensible intelligent man, meeting a situation in an entirely practical way, and if you accept it surely this accused deserves praise and not blame. He says that all during this time he was wearing the clothes of a prisoner, the striped clothing of a prisoner, and that he had no arms. Now what he says next is somewhat important and interesting, because this is the part of the case where there has been a considerable dispute between the Prosecution and the Defence.

He says that when the British arrived on the 16th April at 9 o'clock in the morning with a loudspeaker, groups of people, mostly Hungarians, went through the camp and wherever they saw a German they gave him a beating. That night was quiet, but the next morning the groups went round again, and then they found small German groups they attacked them again and they were very incensed against the National Socialists.

Now as regards himself, he says that about 8 or 9 men came into his room where there were only three Germans, and they told him to get undressed until he only wore his underpants and socks. They had sticks and one had a bayonet. "A fight started and we were beaten so I jumped out of the window" - and he indicated a considerable height, the height of the gallery in this Court Room. - He said he was lucky in his fall and he went to the kommandantur, to the British guards, where he was put in a room where there were already four or five S.S. men.

When he got into the room he says he found a uniform, unfortunately an S.S. uniform, and he put it on and found that it was a reasonable fit. Then he tried to explain the position to the guards, but it was hopeless because they did not understand. He says that in this room were Klippel, Kraft, Kltzcho and Stephan. He says he tried to get out of this place to go back to the block, but as he was wearing this S.S. uniform the British guards sent him back, and from that day he had to wear it, and was presumably treated as an S.S. man.

He said that on the 21st April he was sent to drag bodies in Belson and that this was the first time he had been in Belson. He says that at Celle he reported to the Serjeant-major that he was not an S.S. man at all, but a prisoner himself. A British Serjeant was brought and he said he would look into the matter, and that is the last he ever heard of it.

I am going to leave it to you to decide whether this story of this man is true or not. In support of the part of the story as to how he came to be dressed in these S.S. clothes, a Company-serjeant-major Mallon came forward as a volunteer and he gave you an account of what he says happened to his own knowledge. He says that he was on guard duty at Belson after the liberation, and that he saw outside Headquarters a man naked from the waist upwards, dressed only in underpants, and he says that he was put into a room with S.S. prisoners and he got the impression that this man was a prisoner himself. This man obtained German clothing from somewhere. He says he thinks this was in the mid-afternoon. Now he was struck with this story that he had heard and he came forward and it is for you to say whether you think he is speaking about the right incident or whether he is telling you about some other incident in Belson.

In addition to that you have had some evidence from Kramer that he never saw this man until he saw him for the first time in Celle.

Kraft says: "So far as I know this man was not in the S.S. because he joined us quite naked in the prison". Hoessler says: "I first saw this man, I believe, on the 11th April in Belsen, in my own camp, No. 2. He was a prisoner wearing prisoner's clothes. I saw him after the British arrived; he was then wearing only underpants, and this was about the 15th or 16th April, 1945. I was in Prison and he was thrown in, and he said that he had had a fight. Then they gave me a tunic and trousers and he was then treated as an S.S. man as he was wearing S.S. uniform".

Klippel says: "I know this man. I saw him in March, 1945, in the clothing store in Mittelbau. The accused was dressed as a prisoner. I saw him next on the 17th April. The British guard brought him into our room wearing only a pair of pants. He said he had had a fight and jumped from the first floor and the British guards had brought him to our room. He was never a member of the S.S."

Then there was an affidavit from a Frenchman in Paris, Dajeu, who said: "I know the accused. I never saw him beat anyone myself" - and then he added something which was rather double-edged - "but my friends told me he had beat them".

It is for you to say. Have the Prosecution established that Oscar Schmieditz was ever a member of the staff of Bergen-Belsen as an S.S. man or whether he committed the offences which are alleged against him

There is not very much in the way of specific evidence against him at all. There is an affidavit, or rather it is a statement or a draft affidavit, because I think it was not signed. It is the affidavit of Jecny, a Czech. He says: "I identify photograph No. 2 as an S.S. man at Belsen. I am told his name is Oscar Schmieditz. On the 15th or 16th April, 1945, I was near the block in the men's camp in Belsen. Prisoners were attempting to get through the wire to get at turnips. The accused came on his cycle and realised what was going to happen. He pulled out a pistol and fired several times into the prisoners. Three men fell and the rest ran away. I later heard that three men had fallen to the ground. The accused's custom was to fire at a group of men". I do not pretend to understand how the deponent knows what his customs were, but that is in the affidavit.

In answer to that specific allegation, which is somewhat meagre in detail, the accused says: "This is all nonsense. I was a prisoner and I never was in the S.S. It cannot have taken place in the Wehrmacht barracks where I actually was, because there was no barbed wire separating the main street from the blocks and there was no No. 1 kitchen".

Some criticism has been made, quite naturally, about the draft affidavit itself, and I think it has been made quite clear that the Prosecution are not suggesting that anything that may have happened was in the Wehrmacht barracks, but that it was in fact in Belsen.

Now it is for you, upon that material, to say whether you are satisfied beyond all reasonable doubt that the true position was that this man was an S.S. man and that he was doing what is alleged against him in this uncompleted affidavit of Jecny. On the other hand, gentlemen, if you feel there is a reasonable doubt about it in view of the evidence called by the Defence, and that he really was a prisoner in Bergen-Belsen and was never in the S.S. in Belsen itself, clearly it would be your duty to act in accordance with such evidence.

I am reminded that in this case the accused was examined with a view to seeing whether he had any tattoo marks upon him - this was of course

in an endeavour to see whether from that we could draw an inference one way or the other as to having served in the Wehrmacht or S.S. - and I think you will remember that the doctor said there were no tattoo marks upon his body of any kind .

Now we come to Karl Francioh, and here there is a considerable volume of accusations against him. He is a German, and he was born on the 5th October, 1912, at Wriezen in Brandenburg. He says he was a coal miner and he worked in a mine. On the 17th April, 1940, he joined the S.S., coming from the Wehrmacht. He became a cook in the S.S. and he went to Auschwitz. Eventually he came to Belsen on the 10th or 15th March, 1945 - between those dates - and that, of course, is the only period with which we are concerned in this case.

He says that for the first week he did nothing; just had his meals and slept in the S.S. mess. He says that on the 27th or 28th March he was given a job in the kitchen in the women's compound, and I think Francioh would have you believe that he was not a very fit man. He says he worked for two days and was then arrested because he had been to visit his wife in Bergen without permission; that he was under arrest for two days, and then returned to the kitchen. He eventually started ten days arrest and he swears that he was in prison in Bergen-Belsen from the 2nd April to the 12th April and that he was sentenced to this punishment by Kramer.

After this he went back, he says, to kitchen No. 3 - that is the one we have heard so much about - which is divided into two parts. He says he worked in the part which was nearest the main entrance, and that the internees were working in the kitchen. He says he had a staff amounting to 60 prisoners, working in shifts. He says there were two S.S. men in the cookhouse, one of whom, I suppose, you will find to be Jenner, in charge of the other part.

He says he was responsible to Vogler, but he had most to do with Muller who was in charge of the kitchen personnel. He says he had to cook for no less than 16,000 people and he tried to get food but could not. He says that women were catered for by his kitchen as well as men. He says that the day after the British came - because he did not go away - he was working in the kitchen, and the Brigadier ordered him - that is Brigadier Glyn-Hughes - to carry on. He says that the Brigadier spoke with a kapo in charge of the prisoners and said that the prisoners were satisfied with Francioh, and then the British officer told him to carry on, and he did so until he was arrested on the 17th or 18th April.

He admits that he had a pistol, but he denies all the accusations which have been made against him, and which I now propose to go through. Dr. Birnko identifies him as being in charge of the kitchen of the women's camp. He says that a young internee, a woman, was bending down to take potato peelings and suddenly the accused jumped out of the kitchen with a gun in his hand and fired it twice. He approached the woman and soon she had died. She was shot in the head and another in the liver.

Great criticism has been made of Dr. Birnko, because - this was the first statement in the affidavit - she tells a completely different story in that she talks about a man and the wounds are different.

I am not going to take up your time in arguing that matter. You have heard it argued and it has been put before you. Whether you accept Dr. Birnko's explanation for these differences is entirely a matter for you, but if you think that she did in fact tell a story about a man in the first instance and she now tells one about a woman, you may think that there is some doubt cast upon the accuracy of her recollection. If it was all mistranslation well, of course, that would deal with that. On the other hand Francioh says that on this day, which I think is the day before the British arrived, he was not in the camp at all, and he says he does not know Dr. Birnko.

Dora Szafran says: "This man was in charge of my kitchen. I saw him on the day before the British arrived and the S.S. men ran away and came back. I saw him fire with a pistol from the kitchen at women through the window, and he killed several. I asked him why he did this and he said that I was to mind my own business. In another part of the kitchen another cook was firing also. Certainly some 50 people were killed from the two kitchens".

The Defence say that whatever you think of it you ought to hold that that is a gross exaggeration and that on the very face of it could not be true.

In answer to this - and here again it is suggested that Szafran's story differed from the original affidavit which was given - the Defence say, through Francioh, that when the British troops came in he stood with his wife in front of Kramer's office and that he then went to Bergen with her; that they had prepared to go away with her luggage and that he could have gone and escaped with her if he wanted to, but he was so fond of the prisoners that he thought it was his duty to stay and look after them. "I was told that I should stay. I did hear Jenner say that there had been some shooting. In any event, Dora Szafran did not work in my kitchen".

With regard to the affidavit of Ilona Stein, it is again suggested that it differs from what she told you in Court. She says: "I remember this man from ~~Delsen~~ No. 2 kitchen, I think. Before the British came he always went round with his gun and I saw him shooting people". There are no specific details, just a general allegation. Then she goes on: "I remember a few days before the British came a friend and I went towards the kitchen carrying an empty container. The accused came out of the kitchen and started shooting. I did not look very much, but ran away. A few minutes later my friend was brought to my block and she was dead. As the accused was the only one there he must have shot her".

Francioh says: "I do not remember such an incident, and I have never shot any woman. I had a pistol, but I did not carry it on duty. I carried it only off duty when I went to Bergen to see my wife".

There is a further allegation by Stein: "Two other girls were shot and taken away. One was shot in the arm near the shoulder. This might have been the same day. I remember the other one being shot. I saw both incidents with my own eyes not more than ten metres away". Francioh says: "This incident is quite untrue".

Sunschein goes on: "Francioh came to the same cookhouse as I, No. 2 cookhouse, to learn for a short time, and he was beating people in it terribly". This, I think, was put at the end of February or the beginning of March, 1945. It is pointed out that Sunschein, in her original affidavit did not mention this allegation, but Francioh says: "I was not in the camp until the 10th March; I was only in ~~kitchen~~ 2 for a day and there was nothing happened there. Sunschein was a kapo and she used to use her belt to prevent men prisoners from stealing food. I could not stop a kapo in No. 2 kitchen doing this".

Now the next one was an affidavit of Irene Loffler: "I recognise the accused as kitchen chief in Delsen. In February, 1945, a Russian girl was talking to a girl in the kitchen. The accused shot her and the body was brought to the hospital. The doctor told me she was dead".

Francioh replies: "I was not in Delsen in February, 1945, and no such incident ever took place in the vicinity of my kitchen and it is quite untrue".

Then the affidavit of Neumann: "I identify this man as an S.S. man at Delsen. In March, 1945, I saw him shoot a woman outside No. 1 kitchen. I gave first aid; she was shot in the chest and lungs. The woman died in my arms after 30 minutes. I do not know why she was shot. I was a

trained nurse", and then she told you how she got injections from Dr. Klein.

The answer to that is: "I do not understand anything about this. I did not shoot her and I had nothing to do with No. 1 kitchen".

Then there is an affidavit by the accused Kopper. I will just refer to it and then leave it to you as I have done in the case of all Kopper's allegations. "He was the chief cook at Belsen just before the British came. I saw him shoot a girl who was pregnant. She went to hospital where she died; she was only shot in the arm. I saw the accused repeatedly shooting at internees who fell down" - then she was asked to give a figure - "there were more than ten of these".

Francioh says: "I never shot a pregnant woman. They did not come to my kitchen for food; they got extra food". Kramer says: "This man first came to Belsen between the middle and end of March, 1945. I gave him ten days detention for leaving camp without permission in April." Kramer agrees that conditions were difficult at the cookhouse, that people would try to get food, and in the result he had to put armed guards round the cookhouses in Belsen.

There was an affidavit by Raymond Dejeu of Paris, who says when he came to Belsen he worked in the kitchen and that he knew the accused Francioh, who was an exception to the ordinary guards and was always kind and never beat anyone.

On the question of whether Francioh is trying to create a false alibi by saying he was in prison in April and not in March, there is certain additional evidence coming from various witnesses. Gura says: "I was in prison at Belsen. I knew Francioh and he was in prison at Belsen" - and he actually remembers the cells - "I was in cell 6 and he was in cell 9. I think he was released two or three days before the 12th April, 1945. I do not really remember when he was in prison".

It is self evident that Walter and Haschke did not like Francioh; maybe they are telling the truth and maybe they are not. Frieda Walter says that Francioh was in kitchen No. 3 from the 25th March, 1945, until the 11th April, 1945. She remembers that Francioh was in prison, but it was in the middle of March, and she says: "I have seen Francioh and Jenner both beating prisoners with a stick". "Francioh hit prisoners round the kitchen with a stick", is also the testimony of Haschke. She says that Francioh came about the middle of March, 1945, to kitchen 3, and that he was always going to his wife, and I think they were trying to make out that he was not very helpful in the kitchen. At any rate, she says that the story of being in prison in April is untrue.

Kopper says, on the other hand: "I left the prison on the 25th March, 1945, with Francioh". There is also the evidence of Muller who says - he went into some figures, but the result of it was that he was trying to make out that when standing at a certain block, which a witness had deposed to, you could not see what was happening in kitchen No. 3 because of trees being in the way. He says: "I know Francioh; he was the cook in No. 3 kitchen. Up to the 29th March he was working in the cookhouse for two or three days. The accused worked there and then I was told he had got six days punishment which must have started about the 22nd or 23rd March, 1945".

In addition you allowed an affidavit to be put in of Brigadier Glyn-Hughes who says, speaking about the shooting: "If any large scale shooting had taken place on the 15th April I should have known about it, and I did not see any large number of corpses in the vicinity of Kitchen 3 on the 16th April, 1945".

There, as fairly as I can put it one way and another, is the evidence for and against the accused Francioh. It is obvious in this particular case that there are a number of witnesses who are attempting to

establish that Francioh was a man who not merely beat people, but was a man who used firearms, and that he killed people, presumably under the guise of looking after his kitchen and protecting the foodstuffs there, to prevent them being taken away. Whether it is true or not is entirely a matter for you. There are serious allegations here involving the loss of quite a number of lives.

The next accused is Ladislaw Gura, and I am glad to say I shall not have to detain you with dealing with that case in view of what has happened in regard to his illness.

Fritz Mathes is the next accused, and in his case you will remember that he was born on the 13th June, 1893. He first of all joined the German Army and he went to various factories and eventually he arrived at Belsen on the 22nd November, 1944, where he worked in the S.S. kitchen until the 10th or the 15th January, 1945. Just as you must inevitably associate Bormann with the dog, by reiteration I am sure whenever you think of Mathes you will instinctively say "bath-house". That really is the substance of the Defence. He says that he was employed in the bath-house right up to the 15th April, 1945. He tells you that he joined the S.S. on the 25th January, 1945 - presumably he had to - that he received no papers from the S.S., that he was given an S.S. uniform and from that moment he became and was treated as an S.S. man. He says he was not the only man but that there were 13 men all coming from Frankfort with whom they did the same thing.

Mathes says he was never in the prisoners' part of Belsen except once, about Christmas. You know - and I do not going to detain you on it - where the bath-house is situated at Belsen. The cookhouse and the bath-house are in the administrative portion of the S.S. He says he never worked in cookhouse No. 2. He agrees that he had been a cook before he came to Belsen, and his real defence is that he was in the bath-house.

There is evidence in support of his story and I will briefly refer you to it. Kramer says: "I remember Mathes at Belsen. When I arrived in December he was working in the S.S. kitchen. In January, 1945, he went to the bath-house. So far as I know he never worked in the camp cookhouse". Zeddel says: "I went into the bath-house in Belsen very often and he was the Lageraltester. I went in on the 14th or the 15th April and Mathes was then employed in the bath-house".

Now you are tracing out the movements of Mathes, as far as the Defence are concerned, in order to repel the case which is alleged to be made against him by the Prosecution. The witnesses for the Prosecution were, I think, Sunschein, Frommer and Litwinka, all of whom say they did not know this man and that he did not work in No. 2 cookhouse at Belsen while they were there. The point is made, too, by the Defence, that not a single witness for the Prosecution recognised Mathes as being in this Belsen camp.

There is an affidavit of Paul Cech, from Moravia, who says: "I recognise photo 3 as an unterscharfuhrer" - which I think Mathes was - "a kitchen chief of No. 2 kitchen in Belsen. I am told his name is Fritz Mathes. About the 1st April, 1945, several men tried to steal carrots piled in front of the kitchen. Mathes fired at them with his pistol, wounding some and killing others. Two or three died. We had to take their bodies to a big pit. I estimate that over this period Mathes shot 30 men dead. Mathes was a brute" - and he certainly was if he did all that - "and killed indiscriminately".

The answer to that affidavit is: "I was not in kitchen 2, so it could not have been me who did this shooting. It might have been Heuskel, the chief of that kitchen. He is not very like me in the face, but he is the same size and age". The Court, I think, were able to examine a photograph of Heuskel, and I think you probably arrived at the conclusion that it would be difficult to mistake Mathes for Heuskel.

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Then there is the affidavit of Wilhelm Grunwald, another Czech, who was very young - he is only 17 years of age now. He came to Belsen and the 10th April, 1945. He says: "I saw two persons crawl through the wire round kitchen No. 2 to steal carrots piled up there. I saw the S.S. man shoot at them with a pistol and the prisoners fell. I am told that the name of the S.S. man is Fritz Mathes. Twenty minutes later two corpses were collected - Mathes had killed them". Mathes says: "I make the same answer to that as I did to the allegations of Czech."

Then there is an affidavit of Paul Lichtenstein, a Hungarian. He says: "At Belsen I was removing corpses from the block. I had to pass kitchen No. 2. I recognise the chief as being No. 3 in the photo. I saw him shooting at people trying to steal food. I saw three fall down. I cannot say if they were dead. I am told his name was Fritz Mathes. It happened on several occasions". The accused says "I make the same answer to that".

Now there are some witnesses that I must refer to who were called for the Defence. There was Gisela Koblishok, a Czech, who came to Belsen at the end of March, 1945, and was there until the liberation. She was employed in kitchen No. 2 as an aufseherin. She says that the chief of that kitchen was obers charfuhrer Heuskel. She says she knows Mathes, but he worked in the bath-house and that she had never seen him in kitchen No. 2. She agrees that Heuskel was a severe kind of man, but he was just and she had not seen him doing any shooting.

Egersdorf says: "I slept in the bath-house at Belsen. Mathes was employed in the bath-house. I do not know when he ceased to be employed there, but he was there when the British arrived, morning and night." Pichen says: "I know Mathes in the prison at Celle. He was never in kitchen No. 2 in Belsen when I was there". Otto says: "I did repairs in the bath-house, the last time was the 6th April, 1945. Mathes was present; I was talking to him". Ilse Forster says: "I visited the bath-house. I saw the accused there in a billet where he slept on the 13th or 14th April, 1945; about 1500 hours I saw him in bed there. I was taking him some cigarettes". Dothe says: "I delivered wood to the bath-house. The S.S. man in charge was the accused. I think I only saw him working there; the last time I delivered fuel to the bath-house was about the 9th or 10th April, 1945". Herpel says: "I know Mathes. He was never employed in No. 2 cookhouse; he was employed in the bath-house". Starostka says: "I know the accused Mathes. He was responsible for part of the bath-house at Belsen. He was employed there, but I cannot say how long, but I think at any rate until the 10th April, 1945".

We'll, gentlemen, it is for you to decide. The Prosecution's case rests upon this evidence of the kitchen, and the Defence say: "Have we not established by the evidence we have called that it was impossible for these witnesses, in their affidavits, to be speaking about Fritz Mathes. At any rate, there is a reasonable doubt and the accused should not be found guilty upon the evidence contained in those affidavits".

Now the next accused is No. 19, Otto Calsson, and he is a man rather older than most you have had to deal with, being born on the 4th September, 1892, in East Prussia. He is an old soldier and apparently he rejoined the German Army on the 23rd May, 1944. He says: "I did not volunteer, but was conscripted". Then he tells you what happened to him and how he was transferred to Mittelbau where he was made to go into the S.S. On the 16th September he went to Nordhausen. He says that he was in charge of machinery and we were not very clear what it was, but in the end we decided it must be the machinery in connection with mining. He says he was never a guard but he was really a sort of technician.

He was evacuated and says he went on the first train going to Neuengamme. He said that they did not go to Neuengamme but had to continue their journey to Bergen-Belsen, arriving on the 10th April, 1945. He says he was not really in charge of the train, and we had some discussion as to why he should not have been, as he was apparently the senior officer on it. But

any rate he says he was not in charge of it, but another man Hartwig, was in charge of the train. He says he had a coach to himself because he has to look after the electrical equipment. There were also a large number of S.S. men on the train, about 124, and he says he was not responsible for the security of the convoy, but that another S.S. man was. He says that nothing very much happened on the journey, and at Bergen-Belsen, when he arrived, he went into Bergen and the convoy went into certain blocks there. He says that after they had settled in he went for walks and helped in clearing up the camp. He says that he agrees he hit a woman on the backside with a broom for not cleaning out a room in block 66 in the Wehrmacht barracks, and he says that that is the sole piece of violence he ever perpetrated against any internee.

The case for the Prosecution against this man is not very long, but it contains a good deal of detail. The first witness was Zamoski. He says: "I knew this man Calesson at Dora. He came on the transport from Dora to Belsen in charge of it. I asked him for water. The journey lasted seven days and we had no water and no bread. I got some food from someone else on the way from a private stock. There were 190 men in a waggon and more than 50 per cent died. The bodies were left abandoned in the waggon when we arrived at Belsen. The accused walked along the train and I asked him for some bread and water and he said he would give me water with his pistol. I drew his attention to the bodies, to get more space, but he said 'You are going to die too, so there is no difference'. When we got to Belsen we were left in the open and then we were sent to out blocks. Mine was block 79, and there were 200 to a block. The accused was standing at the block giving out blows with an iron bar. He beat a friend of mine who, as a result of this, had to go to hospital. He beat me and I had to stay in bed for three days. He beat me for no reason except that he said I was a Jew. My friend was called Maidan. After a few days he died. I took some turnips for him and the sister said he was dead. The hospital was in the camp. The accused beat anyone in the camp when he had an opportunity to do so".

It was suggested to Zamoski that he might have mixed up the accused with Hartwig, but he says he did not. He says he has made no mistake about it and he is quite satisfied he is talking about the accused.

Now that partly covers the journey and partly the incident at Bergen-Belsen, and I would rather refer to the answer to that when I come to deal with the case of Dorr and Stofel, as to whether the matters which occurred on the journey to Belsen can properly be taken into account in this trial.

The answer to that is: "I was not in charge of the transport and no such incident as Zamoski described ever took place. Zamoski was in block 69 and I do not think he could have been on the transport. I distributed hot water from the engine to people who asked for water. Only a very few people died on the journey. Another convoy of 1700 women joined us and Hartwig told me that another transport had joined us with some dead. 3,500 were in the transport", and he apparently thinks it is proper to say, "only", when he refers to 42 people dying.

As regard the incident at Belsen, he says: "I never stood at the block and beat people. I have hit people on the backside with a broom if they did not clear up a room. This was not really a beating and they took it in good part and laughed about it. I remained on in the camp and I did not run away".

The next is an affidavit of Jokel Gutman which I think really has to be considered in the light of what Zamoski says. He says: "I identify No. 4 as an S.S. man who was at Dora or Belsen. I have been told his name is Otto Calesson. I corroborate in detail the sworn deposition of Sinich Zamoski". That is No. 179 and the relevant portion is to be found in paragraph 4 of that Deposition: "Otto Calesson was in charge of the transport arriving at Belsen on the 7th April coming from Dora. The journey took six days,

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and there was great hardship. Maidan, my friend, died in hospital in Belsen on arrival". I think he is really corroborating what Zamoski said in his affidavit, which was substantially what he said in Court.

The accused denies this. The next is an affidavit by Szaja Muller, a Polish Jew: "I recognise photo 4, an S.S. guard on the transport from Dora to Belsen. On the 4th April, 1945, 3,000 males left by rail. On the third day out there was a stoppage and there were some carrots lying on the ground. The accused shot a man; I think he was dead. The accused was an S.S. guard at Belsen. Just before the liberation he came into my block 17 wearing a white band. All Jews were ordered out to clean up roads. He beat them with a stick, a Russian collapsed and I never saw him again". The accused's answer to that is: "There were no roads to clear up. I was in charge of block 19 and had nothing to do with block 17".

Then there was an affidavit of Schaul Raschiner, a Polish Jewess. "About the 2nd April, 1945, I arrived at Belsen in the charge of Calasson". It is suggested that she must have been talking about lorries and not a train, and therefore she cannot be right. "She goes on: "Some persons tried to get at some carrots. They had had no food for six days. The accused shot a prisoner in the leg. He ordered S.S. men to finish him off, and I then heard two shots. I have no doubt that he was dead. His body was left on the ground. Ten prisoners died and they were left in the lorries". The accused replies to that: "On the 2nd April I was not in Belsen, I was in Nordhausen, and on Easter Monday I was in charge and I never travelled on any journey in lorries".

Reessler says: "This man came on the first transport to Belsen under Oberscharfuhrer Hartwig, on the 7th April, 1945. When the Hungarians took over I took this man to see that everything round the block was all right. This man was responsible for several blocks. He did tell me that he had had 40 dead on the railway journey".

Klippel says: "I never saw this man at Nordhausen. I saw him in the barracks at Bergen-Belsen. He came sometimes into the kitchen, but I do not know when he arrived at Belsen". Schmidt says: "I travelled on the transport under Hartwig. This man was on this transport. I had no rations, but the prisoners from Dora had five days rations. I never saw any guards shoot prisoners. I did not see this man shoot anyone in Belsen. All the convey could not come into a block so some of them went into another block" - and he told you what they were. "I never saw this man beating prisoners".

I think I would prefer to deal with the Poles together; it is more simple. The next one I propose to take is No. 21, Karl Egersdorf. The extent of this case is quite small and I can deal with it quite briefly. Egersdorf was born on the 20th July, 1902, I think in Bavaria. He was a member of the Bavarian People's Party, a Catholic movement, and he joined the S.S. on the 13th March, 1941, because he was compelled to do so. He then went to Auschwitz, working in the cookhouse, and he says that he did not leave Auschwitz until the 31st January, 1945. Some point is made of the fact that if this man was really taking part in a concerted plan to ill-treat internees he is exceptionally fortunate that no accusations whatsoever have been made against him for his long spell in Auschwitz.

I think he arrived in Belsen about the 7th or 8th April, 1945, coming from Auschwitz in trucks. He says that he was in charge of stores at Belsen, the first hut on the left as you enter the camp, and he agrees there was a large pile of vegetables near the bread store. He says the bread store and vegetable store - we have sorted this out - "were in the same block. There was a kitchen opposite the bath-house, but he did not know the number and he did not know who was in charge of it. The S.S. kitchen was just round the corner, but he was quite sure that the S.S. officer in charge of the S.S. kitchen was Mic.

Charlotte Klein says she knew the accused and that he was in charge of the bread store. She says that the accusations made against him - which I am going to deal with - cannot be true, as during her period he never came to the store and she said she never heard of any shooting.

The accusation against Egersdorf is that of Dora Almalch. She says: "I recognise photo No. 1 as an S.S. man who was in charge of the bread store at Belsen. One day in April, 1945, I was in the vegetable store and a Hungarian girl came out of the bread store with a loaf. The accused shouted, 'What are you doing?', the girl said, 'I am hungry', and the accused shot the girl in the back of the head. I formed the view that she was dead".

It is pointed out to you that this, apparently, was not an Allied national. Mathes says that the accused was with him in the bath-house on occasions because there was a lot of work to do in the bath-house, even although there was no water and no fuel. He did not have anything to do with the bath-house, but only slept there and worked in the food store.

Now the answer to the accusation of Dora Almalch is this: "There was a girl Dora employed in the store, and she came from Salonika" - and therefore she may have been an Allied national, if you accept that - "I think she is the girl who made this statement. I dismissed her because she would not work, two days before the British arrived. I never shot or ill-treated any prisoner near the bread store. The bread store and the vegetable store, not the main store, are in the same building. The prisoners were very hungry and tried to steal food. If they stole food I took it away from them and that is all I did. I never saw anyone take bread from the bread store. I had a revolver, but I did not use it".

The question as to whether the girl in question was an Allied national or not refers, of course, to the Hungarian girl and not, as I said just now, to the Deponent Almalch.

That is the case so far as the evidence is concerned of Karl Egersdorf. The suggestion is, I suppose, that the girl Dora having been dismissed, she has made this up and that it is quite untrue. There is the evidence and it is for you to decide whether you accept it or not.

The next accused is Anchor Pichen, No. 22, and you will remember this man because he had an injured hand, and there has been some suggestion that his appearance in Court is different to what it used to be. That is a matter upon which you will form your own judgment.

Pichen was born, I think, on the 22nd September, 1913, and I think he said his father was a Dane and he was born in Denmark. In 1914 he went from Denmark to Upper Silesia and when in 1922 Poland took over Upper Silesia he became a Polish national and joined the German Army on being conscripted on the 25th May, 1940. He tells you he was a fighting soldier with the 102 Infantry Division, and on the 20th November, 1942, he was wounded in his left arm, was crippled. You have been able to see his left arm and I think you will be satisfied that he has been wounded as he says in the left arm. He says that after leaving hospital he went to various places which I need not go into in dealing with this evidence, but he says he arrived eventually at Gross Rosen on the 20th February, 1945, and left it again on the 25th February, 1945. He says he left with Francisch and two others who are not here, and he went to Bergen-Belsen. I think you have been told what he was doing all the time, but he did not arrive at Bergen-Belsen until the 10th March, 1945.

In Bergen-Belsen he says he was detailed for guard duty, but he refused to do it because he had this injured hand, and he was allowed, he says, not to do so. This is another case where it is alleged that people were put into the S.S., as he says, without papers, that his papers were taken away. He said he understood he was accepted for the S.S., but he really did not know if he was. He said he never wore S.S. uniform.

On the 27th March, 1945, he started work in kitchen No. 2 in order to learn the job, under Hoessler. After four days he took charge of cookhouse No. 1 and he says he worked in this cookhouse until he was arrested on the 17th April, 1945. He agrees he had a pistol at Belson, but he says he did not carry it in the kitchen but used to carry it on his way to and from the kitchen. He says he worked very hard in the kitchen and that there was a second cook called Joseph, whose other name he did not know, and that a large number of internees worked in the kitchen.

He says that he was on good terms with all the internees working for him and that he was good to them and gave them broken loaves of bread.

Ilse Forster says that there were two S.S. men working in kitchen No. 1 and that the accused was in charge of kitchen No. 1; that he did have a pistol but he never carried it in the kitchen, that it was kept in a locked drawer. She says: "I have never seen him shoot anyone or heard that he had done so. The relations between Pichen and the internees in the kitchen were intimate; they spoke Polish together and he treated them well".

Next there is Lisiewitz, who said: "I know Pichen. When in kitchen No. 2 he did not carry a pistol, but he kept it in a locked drawer. His relations with the internees in the kitchen were good. I have never heard of him shooting anyone.

Now the evidence against him appears to me to be as follows. I am not going to trouble you with the evidence of Guterman or Zamoski, because I think it goes only to identification, and the point I think the Defence want you to bear in mind in regard to this is that it is alleged that Pichen was both at Dora and Belson camp and that at Dora he was in the bath-house and at Belson he was in charge of the cookhouse.

The first affidavit is that of Stanislaw Halota, a Polish Jew from Cracow, who says: "I identify No. 3 as an S.S. man at Belson in charge of kitchen No. 1. I am told his name is Ancher Pinchen. I was carrying a container of soup from Pinchen's kitchen to the women's compound on the 13th April, 1945. I was waiting outside the kitchen and two male prisoners started to take turnips. He immediately shot at them at a distance of 25 metres. Two men fell and Pinchen walked away. This occurred about noon. I assisted to put both the bodies on the stretcher, and both were dead, having been shot".

Now the accused's answer to that is this: "I have never been in charge of the bath-house and I have never been in Dora at all", and he says that Gutman and Zamoski must have made up this part of the story. He says that he never cooked for the women's compound. He denies the allegations of Halota. He agrees there were turnips in front of kitchen No. 1, that they were always there, but that nothing was ever stolen from kitchen No. 1 because it was outside the compound.

It is suggested that if you work out the time and the place it would coincide with the time when the accused was away from his kitchen attending this meeting of the S.S. personnel which you have heard spoken about by quite a number of witnesses.

Now there is also an affidavit by Estera Wajsbium, a Polish Jewess. She says: "I recognise No. 3 photo as an S.S. man, kitchen chief of No. 1 kitchen at Belson. Three weeks before the English came I saw the accused search a prisoner near the wire. Pinchen brought back foodstuffs which he had found on him. He accused we girls of giving it to him and then, when we denied it, he went back and shot the man at a range of 5 metres. He fell bleeding from the chest, and I was of the opinion he was dead. I was told later that he was dead". Then she went on and said: "About the 13th or 14th April, 1945, when the accused and another man, Joseph, saw 50

prisoners stealing turnips, they opened fire at about 30 metres range and many fell. About 10 or 15 men were shot by them, and prisoners dragged away those who had been shot".

There was also the evidence of Sophia Litwinska, who comes into the story. She could not pick out Pichen and identify him, and the Prosecution suggest that that was because he had changed his appearance, but Litwinska says: "I was in kitchen No. 1. Near the kitchen were vegetables and when the S.S. men went away the prisoners tried to get the potatoes, and when the two S.S. men returned they started shooting and many were killed".

As I understand it, presumably the Prosecution would ask you to say that Litwinska is talking about Pichen and the other man in this kitchen, even though she was not able to pick out Pichen in this Court. I think they ask you to say that she is really talking about the same incident as Wajsblum.

The answer given to this allegation by Pichen is: "All the S.S. men were called away to this parade and I locked up my kitchen and turned out the staff." He says that after the parade was over he did not go back to the kitchen at all, but he went back to his own barrack room and he says that the parade of S.S. men was on the 13th or 14th April, 1945, but it was the day all the aufseherin returned from Neuenhame.

Now that, shortly, is the evidence for and against the accused Pichen. It is for you, as in all the other cases, to say whether you are satisfied by the evidence adduced by the Prosecution.

Now I come to No. 23, Walter Otto. This is a case where there is not a great deal for you to consider one way or the other. Walter Otto was born in the Rhineland, a German, on the 20th July, 1906, and by trade he is an electrician. He joined the German Forces on the 15th October, 1940, and was then conscripted into the S.S. and sent to Auschwitz where he remained until the 21st January, 1945. He goes into the story of different dates until he comes to Belsen on the 4th February, 1945. When he arrived he was told to start his job as an electrician, and he started on the next day. He says he was working electrical work, installing it in new blocks, and that he was put in charge of an electrical kommando consisting of some 17 or 18 prisoners.

Now the case against him is quite short. It is an affidavit of Ewa Stojowska, a Polish Jewess, and she says: "I identify photo No. 2 as an unterscharfuhrer and blockfuhrer at Belsen by the name of Walter Otto". Incidentally Dr. Winko says that Otto was a supervisor of electricians in Belsen, but was not a blockfuhrer. Stojowska goes on: "One day in January, 1945, I went to get a bed in block 213, which was empty. I obtained leave to take one, but Otto saw me. He accused me of stealing the bed and he beat me and I was badly bruised. Two days later Otto came into block 201 carrying a big stick. I was the blockaltester. A Hungarian Jewess was knocked to the floor and beaten. I believe she had ribs broken, as she could not breathe properly. Presumably Otto suspected that she had got a bed improperly. She said she had got the bed from outside with the consent of the blockaltester".

That is the evidence put forward for the Prosecution as against Walter Otto, and the other relevant matters are these. It is suggested that the compound in block 213 was closed, and that Otto could not enter it without the consent of the doctor. He says he has never been a blockfuhrer, and that it was impossible to go just where you liked from one place to another. He said he had never been near block 213; that he was working in block 209 with Dr. Horstmann. He says that he was not in Belsen in January, 1945. That is, of course, in answer to the suggestion that this took place one day in January, 1945. He says: "On the 10th or 11th March we were in blocks 195 to 203, on repair work. In block 201 the blockaltester was called Aldona, and she was Polish. I have never seen a Jewish blockaltester there".

Again, gentlemen, you have some further evidence from Johann Roth, who says: "I went into block 213 on the 27th January, 1945, and stayed there for the next six weeks. The other prisoners were Russians, Poles, and there were no beds piled up outside the block".

St arestka says: "I came to Belson at the beginning of February, 1945, about the 4th or the 5th. I was lageraltester of the large women's compound. From the 5th to the 6th February block 213 was never empty. It was occupied and it had wire round it. It contained Russians and Poles. This place was used for male typhus victims. As regard block 201 I never heard of a blockaltester being beaten and I should certainly have heard if this had happened".

Kemper says: "In block 201 in December, 1944, the blockaltester was a Slovak Jewess and after her there was a Polish woman. I know the Slovak Jewess was severely beaten and had a broken rib. This was in the beginning of January, 1945. It was not the accused who beat her but an S.S. man" - I think she said it was Paul Kitz - "I do not know of any other blockaltester in block 201 being beaten. The whole camp would have known of it if this had happened. I never heard Otto had beaten anyone. He was the only S.S. man who was good to prisoners. Block 213 was never empty".

Now the Prosecution invite you to convict Otto on that evidence, but the Defence say: "Here is a man who has been in concentration camps for a long time. Not a single word of complaint is made against him in regard to Auschwitz, and the only complaint in the whole of his service is that contained in this affidavit.

It is for you to say whether you are satisfied or not in regard to the case of Otto.

I think it would be of assistance to the Court if I dealt with the cases of Stofel, No. 25, and Dorr, No. 27 together, but that, of course, would not prevent the Court hereafter considering the cases entirely separately.

Just a little about these men first of all. Stofel was born on the 5th October, 1915, in Bavaria and he joined the Wehrmacht in October, 1934. He seems to have left the Army and then on the 1st April, 1936, he volunteered for the S.S. He explained that he wanted to make the Army his profession and he could not do that in the Wehrmacht but he could in the S.S., so I think Franz Stofel is one of the people who have been in the S.S. for some time and who joined it of his own accord, according to his own evidence.

The man Dorr was born on the 9th February, 1921, and apparently he came of farming stock and worked on a farm. He joined the S.S. on the 13th December, 1940. He wanted to be a fighting soldier, so he says, and he volunteered for the Waffen S.S. and continued to do duty with them. He says he went with the Engineers but was unable to complete his training and having become ill with rheumatism he eventually left Oranienburg in January, 1944, to Mittelbau, to Dora, to train as a block fuhrer. He eventually came to Klein Bodungen in September, 1944, where he became an assistant to Stofel.

I think there is no doubt that there was a pretty close liaison between Dorr and Stofel and it is common ground, I think, that they had to evacuate and that they left Klein Bodungen on the 5th April, 1945, with a convoy of internees. Whether there were 650 or whether there were 610 or whether there were 613 does not seem to me to be of great moment. The order of going seems to have been, quite clearly, that Stofel was in charge of the convoy and primarily responsible for it and that Dorr was serving under his command. It was not a very large convoy and there seems to have been a number of guards adequate in themselves to prevent escape. It is quite clear, gentlemen, I think, that if efficiency was used the number of guards employed should have been sufficient to prevent people escaping, but it is suggested that on the journey (which you have taken metaphorically in Court step by step as though you had made it yourselves) there would be opportunities for some of the prisoners and functionaries and kapos who were with them, no doubt, to escape if they wanted to.

I do not think it is necessary for me to take you over this journey again; it has been most exhaustively considered and, therefore, I will leave it to you to decide what really happened and will only refer you now to such matters as I think may be of assistance.

There is no doubt, gentlemen, that this convoy started of the strength that has been indicated on the 5th of April and that over a number of days it went by road till it eventually reached Bergen-Belsen. There is some dispute whether it was ordered, on evacuation, to go to Bergen-Belsen or whether it was going, I think, to Neuengamme and that thereafter, by reason of what had happened, to divert itself to Bergen-Belsen.

As you know, gentlemen, the first charge is framed as at Bergen-Belsen between certain dates when members of the staff of Bergen-Belsen concentration camp responsible for the well being of the persons interned therein the accused did certain things. I have already told you that you cannot convict a man upon a charge which is not before the Court, but I have told you that if you are satisfied that the substance of the charge is proved you may find a person guilty though it differs from the particulars set out in the charge. I have touched on this before, and I think it is quite clear what my view of it is, but it is for you to form your own view and act on it accordingly.

I do not think it matters very much whether it is actually at Bergen-Belsen or whether it was on the way. I do not think it matters very much, looking at the substance and not the shadow, whether the people in the convoy had already reached and were internees in Belsen. If you are

satisfied they were going there and they did get there and they became internees I should have thought you could have found that it brought it within the charge. Whether Stofel and Dorr and, of course, Calsson, were on the staff of Bergen-Belsen and responsible for these people is another point you have to consider, but can there be any doubt at all that they were in charge of the convey and that they did get to Bergen-Belsen and that they did come under the orders of Hoessler? Have you a doubt that if things had gone better for Germany and we had had to retreat and this convey had arrived at Bergen-Belsen probably Kramer would have been the first to take credit for what had been done by Hoessler on the ground that Hoessler, Stofel and Dorr, were all his subordinates? Whether that appeals to you or not as reasonable is for you to decide, but if you feel that ^{vs.} the substance of that charge and that there is no unfairness to the accused then, gentlemen, in my view, if you find these matters to be proved on the journey to Bergen-Belsen, it would not be outside the scope of the first charge. That is just a small matter of the interpretation of the law which you will, no doubt, consider.

This journey took place, and one of the points which the prosecution say and rely on is this, that, whatever the defence may urge, there was a loss of internees on that journey; everybody agrees that. They say: "While we may be prepared to accept that five or six men, kapos, escaped and can be accounted for in that way, there is a deficiency of something like 20 internees admitted and we suggest, taking into account that the S.S. men are efficient and the guards are efficient, that those men could not have escaped in the way that the defence put forward and that you accept that the deficiency admittedly agreed to by the defence was caused in the manner indicated by the witnesses themselves."

I would also remind you, although it has probably occurred to you already, that when you come to consider these cases you should take into account whether there is any question of racial animosity. I am not suggesting there is, but if you find that the allegations in a particular case come from Russians, or Poles, or any particular kind of people who you think might have a bias, while making no suggestions against those witnesses it would be wise to consider that as a factor in your deliberations.

You know about this journey, and quite a number of people speak of it, and the really interesting part about it is this incident at Gross Hehlen. Did it actually occur, and did it occur in the way the defence say? The prosecution, as far as I know, make no reference to this extraordinary and unusual incident, and you would have thought that they would have done if it had really happened. On the other hand, you do have a considerable volume of testimony supporting this incident. I think the case for the prosecution is not really so interested in whether it really happened ^{as} who shot the people at Gross Hehlen. If you accept there was a shooting at Gross Hehlen I suppose it would be suggested by the prosecution that it was done by Stofel and Dorr and not by the Waffen S.S., but if you take the view it seems to me that that would be in contradiction to what the affidavits contain.

There is this distinction between Stofel and Dorr in that I do not think anybody suggests that Stofel shot anyone. The case against Stofel really is that he was in command, that he knew what was going on, that he did not take any steps to stop it and that he was really agreeing with it, preferring the dirty work to be done by Dorr and not by himself. That is the case for the prosecution.

The case against Dorr, as I understand it, is that he was actually the man who was carrying out these brutal murders.

Now, Gentlemen, let me deal with the evidence. I am afraid I must take up a little time because it is rather voluminous.

Now, Gentlemen, the witnesses, and I rather take them as I recorded them against Dorr than Stofel. First of all there was Grohmann who is a Czech 40 years of age, arrested apparently for refusing to go to work. He says that on April 5th, 1945, (which I think is an agreed date) he was one of a party of about 650 mixed persons going to Belsen. The second in charge was Dorr to Stofel. On the evening of the 5th April -- and this, gentlemen, is only a precis; you have these rather detailed affidavits which you will look at, if you want, yourselves -- near a stable between Herzberg and Braunschweig he saw Dorr shoot two of six men who had escaped from a party of prisoners from Nordhausen. "The next morning Dorr shot the other four men and their bodies were buried near the stable. From that time onwards Dorr began to shoot all stragglers. People were having trouble with their feet and were getting lifts. When Dorr caught them straggling behind he shot them. He shot about 46 persons. I can identify only a Frenchman, Marcelli, from Paris. I calculate that some 65 persons were killed on the march and five escaped."

As regards Stofel he says substantially the same. He says: "I saw Dorr shoot two of the six men who had escaped from a party of prisoners from Nordhausen. Stofel was present but did not stop it. I identify Marcelli as a Frenchman". There you have an allegation that Dorr was shooting and that Stofel was present and did not interfere.

Now, Gentlemen, one thing you would have thought, having heard the distances that this convoy had to march and the conditions under which it had to march, that there certainly would be foot trouble and that there would be difficulty in getting the convoy along. It is for you to say whether from what you have heard of the practices of S.S. men in such conditions you accept that if a man could not carry on because his feet were bad he would get shot or get rid of, and secondly to inspire the others to greater effort, or whether it would be possible, having heard the distances that they had to march, right at the very beginning that the guards would have been able to transport them. That is entirely a matter for you, but that, in substance, is why the prosecution suggest that the story told is a reasonable one and is one which would fit in with the actual happenings on the march.

In reply to that particular affidavit the accused Dorr says: "We never went there" - and I think he said "Peine" - "The party was never joined by others from another camp" and he says that two S.S. men came with him. "It is untrue that I shot anyone from other camps at Osterode". Stofel said: "I deny this incident. We never had 650 prisoners at Klein Bodungen. We had no stragglers from Nordhausen".

It is also suggested in the case of these affidavits that they were never read over to the deponents and great criticism was made, quite properly, about the discrepancies in these affidavits as regards the story told by Grohmann and Poppner - they really are statements, I think, than affidavits.

The next witness in the case of Dorr - I do not think he figures in the case of Stofel - is Adolf Linz. He says: "On the march of our kommando from Klein Bodungen to Belsen Dorr shot 13 or 14 prisoners only because they had bad feet or were suffering from other diseases and could not carry on. This was done in full view of all the prisoners on the march". To that Dorr says that people with bad feet were put on the hand carts and then on to the ration waggon. He says that is quite untrue. He says he does not know who Adolf Linz is and has never heard of him. He also says he has no knowledge at all of the next deponent, Poppner. Poppner seems to have been a German soldier and is 31 years of age and has been in prison since 1941 on the ground of alleged sedition. He says: "On April 5th, 1945, I was one of a party of 613 prisoners of mixed nationalities. We set out to march to Belsen. We marched 51 kilometres. We had no food and most of the men were clogs. On the 6th April Dorr, who was the N.C.O. in charge, took two sick men and another into a barn. He shot two of them and one, I think, escaped. The men were buried by the roadside. I think they were Germans".

This is only a precis; there is a very full description in the affidavit itself. He says: "Two more were shot because I heard shots. I never saw them again. One was a Pole and the other was a Frenchman. Near Salzgitter I think two more were shot; they never came back, one was a foreigner and the other was a German. The column was in charge of Stofel who rode up and down on a motor-cycle. He was not present when these incidents took place."

There is an affidavit by Adam Mocks who says that he was on the march and he corroborates what Poppner says.

That is the evidence upon which the prosecution rely. As I have said, they are fairly detailed statements and they conflict. Mention is made of quite a number of matters and no reference is made to this incident which is supposed to have taken place in Gross Hehlen. There is the question of the mention of these three men, Berling, Zimmerman and Liebholdt, and what they say about them is, in some degree, accepted by Dorr and Stofel, they know them, and it is for you to say whether you think these affidavits convince you that they are reasonable and accurate accounts of what happened on this journey.

Before I turn to deal with the other matters I would remind you that Kraft gave some evidence about this and that he told you about his part in this journey. As regards Gross Hehlen his version of it was that the front line troops came and chased them away when they were having their food. They were S.S. men, soldiers. This was about six kilometres from Celle. The S.S. men lined up the prisoners, guarded them, and marched them off themselves. He says: "I had to stay behind so I do not know if any of the prisoners were killed. I arrived at Belson half an hour after the transport had gone to their blocks in the Wehrmacht barracks. I never saw Stofel shoot anyone on this journey to Belson. The convoy was intended to go to Neuengamme, so we heard, but this was not made public".

Now, sir, let us consider what Stofel, Dorr and the two girls who were with them, and the independent witnesses from Gross Hehlen, have to say. There is a denial that there was any shooting on the journey except at Gross Hehlen. It seems to be agreed that the internees were in good physical condition and that there were 45 guards. Stofel's version is this, that they arrived at Gross Hehlen on the 10th April, in the evening. He says: "The prisoners were put in a big barn and ten minutes later an officer told me to leave at once as the village was in the fighting area. I said I could not move, that the food was ready, and we had marched already 30 kilometres. Two officers came and I gave them the same answer, but eventually I had to go and see the commandant and the same conversation took place. I was again ordered to leave. I refused again, and then the S.S. officer with 30 men was told to move us on. They went to the barn and shooting started at once. Some prisoners had had some food, some had not had any. Then they took our prisoners away at the double. Everything was in confusion. At 1700 hours the prisoners were taken to an unknown destination. I tried to get the truck for rations. I found the prisoners in a wood three or four kilometres from Gross Hehlen where they were stopped. When I reached there the Blockfuhrer, Kunertz, reported that four or five prisoners had been shot because they had tried to escape and partly because they could not keep up the pace. I asked who did the shooting and was told the men of the field unit. My guards were not present with the prisoners; they were in the village and only reached the convoy later on. The convoy remained in the wood at least one and a half hours. Dorr found some accommodation in an old Russian prisoner of war camp at an aerodrome and the convoy stayed the night there and started to Bergen-Belsen the next morning. It arrived at Belsen on the 11th April at about 1600 hours and on the roll call there were 590 present."

I will now take the version of Dorr. I am not going to trouble you with the details of the journey except that Dorr says the convoy consisted of 610 people. He says it was not until the third or fourth day that people began to have bad feet, and there is also the corroborative evidence that certain people escaped,

Dorr's version of the incident at Gross Hohlen is this: "We arrived at about 1800 hours and they were distributing the rations by a big barn. An officer from the field force arrived and spoke to Stofel. The officer said that this was a fighting area and we had got to get away. The prisoners were chased away and there was some shooting into the air. The prisoners were chased down the main road going the opposite way from Celle and we, that is the officer and I, got on cycles and went to an aerodrome. We found a former camp, opened it, and went back on our bicycles to the forest and I heard shooting from the column near a wood. We waited until everyone arrived and then we went to the aerodrome where we spent the night. The next day we went to Bergen, on the 11th April, 1945. On arrival there were 590 in the column".

I propose to deal next with the evidence of Gertrud Neumann. She is the S.S. woman who accompanied Stofel and Dorr. I am not going into the question of whether she agrees they were going to Bergen-Belsen or not; you heard her evidence on that point. I do not think I need go through her evidence about this journey except to remind you that she says nothing of the kind alleged by the prosecution ever took place in regard to shooting. She says: "During the night at Gross Hohlen I heard some shooting. We arrived in our truck in the afternoon. We unloaded the rations and waited for the prisoners. The prisoners arrived at about 1900 or 2000 hours. Before that we had noticed Waffen S.S. in the village. We started to distribute the food. Someone came from the S.S. and told Stofel that the prisoners must leave the village as it was a defence position." Then she corroborates Stofel and says how they could not go on but eventually the prisoners were ordered to line up, somebody fired in the air causing a panic amongst the prisoners and the prisoners moved off. They could not go as fast as the Waffen S.S. wanted and when they went shots were fired. She says: "We tried to catch up but we could not. We saw some dead prisoners lying by the side of the road. When we eventually caught up with the column the prisoners were allowed to sit in ranks on either side of the road. I saw at least eight bodies on the road between the path and the wood."

Then there was the evidence, and I think I can take it quite shortly, of Ilse Steinbusch, the other S.S. woman who accompanied the convoy. She corroborates substantially everything that is said by the other girl. She agrees they came to Gross Hohlen in the truck. She got there first and she gives the same story about them being ordered away. She says that the prisoners were just out of the barn, she heard shots in the air, that the prisoners had to march at the double. "We heard shots and saw quite a few bodies, about seven or eight. The bodies were 100 to 300 metres outside the village. I next saw the prisoners resting for an hour near a farm and then they went to an aerodrome".

Clearly if you accept that evidence the case for the defence is that apart from those who escape there were a number of people shot by the Waffen S.S. Well, gentlemen, if you think that is possible at all then clearly that will exonerate both Stofel and Dorr.

There was some further evidence coming from the village itself. There was the witness Erika Ceconi who was keeping a guest house in Gross Hohlen. She says she remembers the prisoners from a concentration camp being marched off. She did not see them arrive in the village but she heard them playing music. She went to see. There was a barn opposite. She saw them move off. She said they were in good order though seemed tired. She was very sympathetic because she had never seen prisoners from a concentration camp before and was deeply moved. She said she did not know anything about

guards. She said they were walking at a normal pace but "I had the impression they were tired. I heard two shots but I do not know where they were. I only saw how they passed my house and I did not look further up the main road. They were marching away from Celle, I believe to Belson but it could have been Munster. The firing took place just before the prisoners marched off. It was about seven or eight o'clock, at dusk."

There was the further evidence of Heinrich Brammer from Gross Hehlen, who is now the burgomaster but was not so at the material time. He says that on the 10th April, which is the agreed date, I think, "I remember a party of prisoners being in Gross Hehlen. They left at 2100 hours and I heard no more about them. The British troops arrived the next day." He tells you about a commission which found three bodies. They found about a kilometre from Gross Hehlen and it was some six or eight weeks after the prisoners had gone. The bodies were disinterred and buried in the churchyard. He was present when this was done and he says the bodies were clothes in striped prison clothing and wrapped in blankets. He says that the party that went through Gross Hehlen on the 10th April, 1945, was the only party he had ever seen. He does not know how the men died. He says he did hear some gunfire on the 10th April but, curiously enough, he says he did not see any German troops in the village. He only saw the internees fall in and then he went away. He did not know anything about the killing or how those people were buried the first time and he has never even heard how they were killed.

The last witness who was called was Albert Tusch, a farmer at Gross Hehlen. He says that there were German troops in Gross Hehlen in April, 1945. He says they left Gross Hehlen on the 11th April. On the 10th April he sees the party of concentration camp prisoners come to Gross Hehlen. They left at about 2100 hours the same day and he was not present when they left but he heard they had gone to another place. They went to Hustedt aerodrome some six kilometres from Gross Hehlen. He says he was ordered to take food to them in the huts there and he did so. He says he saw the party actually arrive in the village and they looked tired and weak. He said that he did not hear any of the incidents which happened on the journey with the convoy. Three or four or five men were told take food to this aerodrome and he apparently, as I understand it, was taking up the convoy's own food in his waggon to the aerodrome for the purpose of it being used by the convoy.

Now, Sir, there are a variety of witnesses, perhaps more witnesses in the flesh dealing with this particular incident than you have had, and you may feel perhaps that it is a happier task to deal with testimony of living people than affidavits, and I must leave it to you, because it is your responsibility, to say where the truth lies.

There have been a large number of criticisms of this journey of the evidence both by the prosecution and by the defence, but one of the things I would have thought would have appealed to you, if you take the view that at this time the German army had not gone to pieces and the S.S. had not gone to pieces and Stofel with his experience and Dorr and some 45 guards, carrying out a perfectly proper piece of military discipline, doing it with efficiency -- do not you think -- it is entirely for you -- if this extraordinary happening had occurred at Gross Hehlen and if Stofel and Dorr are really putting it forward that seven or eight or more of the people they were responsible for were shot on this journey, that some attempt should have been made to find out who they were or to look after them or to give them succour if they were only wounded and that immediately they arrived at the end of their journey, even allowing for the difficult conditions at Bergen-Belsen, men with the experience of Stofel would at once make a report?

What he did in regard to Hoessler is for you to decide. You have heard it and it is for you to decide whether you get the impression of a soldier or S.S. man of experience having had this position to meet, where officers have over-ridden him, chased him about, shot his people, whether his first reaction would not be to get the details, recorded them in some form, and hand them in by way of explanation when he arrived. I do not know, it is a matter for you.

On that point there is a certain amount of evidence which I should remind you of. There is the affidavit of Hoessler. You can read that for yourselves. I think you will find that he heard from the prisoners that several prisoners had been shot on the transport from Dora and that he then says that both Dorr and Stofel denied this to him. Kraft said: "On this march I had two trucks from the burgomaster, some prisoners rode on the trucks, some prisoners could not walk. I was only with the internees at night. I never saw the internees shot by their S.S. guards, but I was not marching with the prisoners. With regard to the putting in of the report to Hoessler the defence, Stofel, is saying: "I did report it to Hoessler but it was at a very difficult time and he was very busy and he has possibly forgotten.

Well, gentlemen, it is for you to decide, in the light of the evidence, whether there was a report made in some form or another and whether it was reasonable in all the circumstances. I do not think I can assist you any further on this case. You will appreciate that there seems to be no dispute that on this journey a number of internees disappeared. There seems to be no dispute that some of the internees must have been shot, but it is for you to decide, gentlemen, whether these internees who were shot were killed and lost their lives as a result of the action of Dorr and Stofel or either of them, or whether you are satisfied that there is such a reasonable doubt that you have got to say: "I do now know how any body died and, therefore, I must acquit these men of having killed the internees on that journey".

Now, Sir, I must come back and deal with No. 26 who is Heinrich Schreirer who, you will remember, was charged also in respect of Auschwitz. I have really dealt in considerable detail with him already and, therefore, I do not propose to repeat myself but merely to examine what evidence there is before you upon which the prosecution are entitled to ask you to consider a conviction on the first charge in regard to Belsen.

(The Court confer.)

COL. BACKHOUSE: If it would help, I should say, on behalf of the prosecution, that apart from his presence there nothing else has been suggested.

THE JUDGE ADVOCATE: I am obliged to the prosecutor for interposing, because I was just checking up with the Court. I could not find any positive allegations against Schreirer in respect of Belsen at all and, that being so, I do not propose to take up any of the time of the Court by dealing with that aspect of the case.

The next accused which I would deal with in the ordinary way is No. 28, Erich Barsch who is charged in respect of Belsen, but the prosecutor quite rightly feels that there is such a doubt about the identification of Barsch that he does not ask the Court to consider a conviction at all and, therefore, it will mean that in any event, whatever happens to anyone else, the Court will find Barsch not guilty of the charge against him.

The next accused is No. 29 Erich Zoddell. This is a somewhat interesting case because there seems to be no doubt, on his own showing, that Zoddell is a man with a criminal record. I do not say that in any way to prejudice the case against him; it is something that has been told you, quite properly, in the course of the evidence, but, gentlemen, you may

wonder how it comes about that in concentration camps where so many decent and innocent people have been put against their will that there should be selected to be put in charge of them a man who has a criminal record such as Zoddol and that he should be made a lagerfuhrer. I have no doubt that you will perhaps consider this is some evidence to show that this was part of the system of a concentration camp because it has been alleged at times that people with criminal records were given positions of responsibility over decent but unfortunate people who had been consigned to concentration camps. I do ask you, and I know you will, not to say that you will not believe anything Zoddol says just because he has been convicted. That is a matter I know that will not influence you if you are satisfied on the evidence that he is innocent or that he convinced you when he gave his evidence he was telling the truth in the witness box.

Zoddol is a German. He was born on the 9th August, 1913, in Berlin. He says he was interned because of a theft in 1941. He had a year's imprisonment and then was sent to a concentration camp at Sachsenhausen. He then seems to have been in other concentration camps and then we come down to the material date which is, I think, the 27th March, 1944, when he came to Belsen. He seems to have remained in Belsen until the 18th April, 1945, so he has something like 13 months experience of Belsen.

He says that when he came to Belsen with 1,000 prisoners from Dora they were the first Germans there apart from the Jews, and after three days he became a block leader. He said that he had held no office previously. He said that they were all sick people and he pointed to his throat and indicated that that had been caused by what he had had to go through in concentration camps. He says he remained block leader until January, 1945, and then he says that the block leader, whom I think he said was Hante, needed a deputy and that he was appointed as what I think in order of precedence was accepted as a sort of third lager altester. He says he was connected only with Camp No. 1 and he detailed his duties, but I am not going into those.

He says, and it is perhaps contrary rather to what most people say - it may be right, I do not know; it is a matter of comparison, I suppose - that Belsen was not a bad place when he went there at first in March, 1944. He said - I do not know whether you accept it - that right up to the end people in his camp got their proper rations. He says that from March, 1945, all working people were in his camp and that no one died of starvation in his camp though in the last four weeks they were having little bread. Whether that is an endeavour to give himself a testimonial or whether it is really that he was saying, if it was a sort of working party, well, they got food irrespective of anybody else, and he saw to it they were fed -- if you adopt that view, well, then, Gentlemen, he deserves every credit for what he did.

Now let us examine the accusations which are made against Erich Zoddol. You appreciate that he is not an S.S. man, and the case against him is that he was prepared to become a functionary and work for the Germans.

The first witness was Glinowieski. He knew him as Erich, a lager altester at Belsen. He says his behaviour was very bad. He says: "My friend and I were queuing for soup. The accused approached my friend and he was beaten terribly with his fist and then with a stick and when he fell down Erich kicked him three times in between the legs. When Erich went away we took the man to hospital. He was there two or three weeks and then" - as so often is alleged - "two or three days before the liberation the man died". In amplification he said that they were standing nearby when everyone was trying to get soup as soon as possible and that the incident happened less than one month before the liberation.

There is a suggestion - it is for you to consider whether there is anything in it - that the story told in Court differs from what has already been said by the witness. I think this witness was unable to identify Zoddol in Court.

The answer that Zoddell gives is that this accusation is untrue. He said: "Sometimes I assisted in the food distribution, but it was not my job. When people behaved like animals to get at the food I may have beaten them with my hands. I have never beaten people on the ground or kicked them. I did not always carry a stick. I agree I had a stick, a walking stick, because I had a bad leg. Sometimes I took it out on occasions. I lived in Block 4. The food came from kitchen No. 1. It was centralized between 1 and 3 blocks and then distributed to different blocks. What remained was left for the working parties coming in later."

Now, Sir, I think that Zoddell is prepared to admit that he used a certain amount of force in beating internees but, I suppose, he says: "I only used that reasonable amount of force that was necessary to keep order in the interests of everyone else". Gentlemen, I would again remind you of what I said before, that if you are dealing with internees who may be sick and ill one must carefully consider what degree of force should be applied. Whether he was dealing with sick internees or fit ones is not very clear to me. With regard to identification I think you will be satisfied that, by a rather circuitous route by Major Champion, you can find definitely that the witness Glinowieski was speaking of Zoddell, the accused in the dock. If you are not satisfied about this identification by photograph well, then, you will give the accused the benefit of the doubt irrespective of whether you believe that some incident of this kind happened.

The next affidavit was that of Alexander Kurawicki. He says: "I identify No. 8 on the photograph as a camp leader (prisoner in charge of a party of prisoners) who was at Belson. I have seen him ill-treating prisoners and beating them so severely with a stick that injury must have been caused. I am now informed that his name is Erich Zoddell". To that there is a frank admission, so far as it goes, by Zoddell. "I have boxed prisoners' ears for trying to get food or for other reasons to maintain discipline".

Next there is an affidavit of Isak Lozowski, a Polish Jew. He says: "I identify No. 8 on the photograph as Erich, a lager altester in No. 1 camp at Belson. I am told his name is Erich Zoddell. I frequently saw him beat prisoners. He carried a wooden stick with a piece of iron piping on the end. In the middle of March, 1944, the accused killed a prisoner. At seven o'clock in the morning on a working party there was a sick Jew; I was in one working party and he was in another. I saw Zoddell striking him on the head. The blows split his head for six inches. I heard he died, but I have no doubt that as a result of this injury the sick man must have died. There was no reason for it that I could see. I was only six metres away". Zoddell's reply is: "My stick was a common walking stick with a rubber knob at the end of it. I say that Lozowski could not have seen all he says he saw" and, after a considerable amount of investigation, it seems that he was suggesting that as the working parties drew up there was some form of sacking through which the witness could not see. He said: "Outside working parties were always taken from compound 1 and I have never had any occasion to beat them". It is also confirmed, when asked, by the accused Aurdziog that no working parties went out from camp No. 2.

Then there is the affidavit of Zuckermann. He says: "I identify No. 8 on the photograph as an internee lager altester in No. 2 Camp, Belson. He had a green triangle on his blouse. He was always very brutal and carried a wooden stick. In March, 1945, after the food was served out in the open in No. 1 camp I tried to get a second helping. Zoddell was watching. He jumped on me and struck me several times with his stick on the head. I started to run away but I could not go fast enough. Zoddell ran after me beating me all the time. I was bleeding badly and had to remain in bed for three days. Zoddell has often beaten sick internees. Some of them I saw die." In reply Zoddell says: "This is not true at all. I was not lager altester of compound 2 or No. 2 camp. I did not wear a green triangle on my clothes. I never beat people on food distribution. I may have boxed their ears if there was overcrowding. If someone tried to get a second helping I should

not have beaten him. I should not have been present; it was the kapos who would have been present and it would have been their job to look after this".

Then there is the affidavit of Miriam Weiss, a Yugo Slav. She says: "I recognise No. 8 on the photograph as an internee at Belson who did police duties for the S.S. in the camp just before the British came. I am told his name is Zoddel".

There, Sir, is the evidence summarised in regard to the case of Zoddel.

I will now take the case of Schlomoiewicz. This is one of these cases where you are dealing with a prisoner and he is not being defended by the Polish officer, whose cases I propose to take together. Schlomoiewicz is a Jew and he was born in 1918 in Vienna. He seems to have wandered all over Europe, and I do not propose to go into his wanderings. Eventually, having been arrested by the Dutch police, he says he was taken into protective custody and went to a concentration camp at Oranienburg in November, 1939, where I think he remained until July, 1941. He says that he and 500 Jews then went to Gross Rosen and that they were then eventually sent to Auschwitz. He claims that out of the 500 Jews only seven were alive to go to Auschwitz. He says that he was in Auschwitz for 14 days and that he underwent the usual treatment. Then he went into a factory. He says that at Monowitz he was a kapo and foreman for three months and in January, 1945, he was evacuated. He says that on the 6th April, 1945, they started off to march and he arrived at about nine o'clock at night on the 8th April, 1945, at Belson. He says that Marsch and Glinowieski were with this party. He says that they went into Block 12 for the night. No work was done but they were registered on the 13th April. He says he met Ede, the lager altester, and he says that Ede appointed him as block altester for Block 12 because all the German prisoners and S.S. had marched away from Belson on the 12th April, 1945. He said that he had not been a block altester before. His main duties were in connection with the distribution of food and the maintenance of discipline inside the block but he said the conditions were impossible inside the block. He said: "There were 1,000 internees in the block and we added 300 more and 200 died so we were about 1,200 in one block". He says he distributed the little food that was available when it came in large wood containers and that little soup was all they got. He says he never beat anyone at all. When the British arrived on the 16th a few men were selected for duty with a white armband and he says he was chosen to keep order in the camp and help with the distribution of food, that he carried on this until the 20th April and then he caught typhus and was transferred to hospital. He says that the two accusers in his case, whom I am going to deal with later, came to see him when he was in hospital with typhus and brought him cigarettes.

The defence called a witness, Siegmund Freund, but I think the defending officers have said they do not ask you to bother with that as it really does not help.

Then there was an affidavit put in by Daniel Blichblau from Lodz, a Polish Jew. He said that he came to Belson on the 6th April, 1945, that he met the accused, that they lived in the same room and that he had known him at Hanover. He said that in all the camps he was a kapo. "In Belson in room 12 the accused was the lager altester, but I have not seen him beat anyone". He went on to add: "I have been told he beat people on five occasions. He did hit a man once who had stolen food from a sick internee. The accused only punished people who stole. I have never seen him with a stick or rubber tube. I have seen him give away his rations and he behaved well as a kapo."

There was some other evidence from Polanski and Krajewski but they do not seem to take the case very much further. If you want to refer to it you have a note of it.

I now turn to the evidence against this Austrian Jew. The first witness is Sompelinski. He says that at Auschwitz Schlomoiewicz had no particular function but at Belsen he arrived about eight days before the arrival of the British and he was his block altester in Block 12. How this arose was apparently that the block altester died three days before the British came and the accused took over his function. "Before this he was a prisoner like anyone else. When he was block altester he behaved very well to the prisoners. I knew this man for a bit at Auschwitz and I knew that he contracted typhus some seven or eight days after the liberation by the British."

The next evidence was that of Ladislaus Judkovitz, a Czech Jew. There is no dispute, apparently, that Judkovitz knew Schlomoiewicz very well and it is equally conceded that the other complainant, Basch, a Czech Jew, also knew the accused very well. You have no complications here as regards identification. It is simply a question of whether these things were done and you are satisfied of it by the evidence.

Judkovitz says that in Belsen in March or April, 1945, there was a kapo called Schlomoiewicz. "I recognise him as the man brought into the room. He was a beastly man. I have seen him hit people with a big piece of wood. This hitting went far beyond what was required to obtain order. I only saw a man bleed once as a result of beating. He was an elderly man and he fainted as a result".

There is another affidavit by Basch in which he says: "I know the accused in Belsen. He was a kapo. He treated prisoners brutally, beating them without cause. He used a stick and drew blood. The beatings with the stick and cable were not justified to keep order. Things were very bad at Belsen. A large number died each day. The accused was very callous. On parade he said: '50 people died to-day and unless order is kept I will see that a hundred die to-morrow'. I have never seen anyone die as a result of his beatings" and then he goes on to say that a speech like this lowered the morale of the prisoners, but I do not think that will be treated by you as a war crime.

You have here a very extraordinary case. You have admittedly that these two men knew Schlomoiewicz, knew him very well; they seem to be on good terms, and Schlomoiewicz says: "When I caught typhus they came to see me and brought me cigarettes" and yet it is upon their testimony, gentlemen, that the prosecution ask you to convict Schlomoiewicz and it is for you to sort out what is really the position.

Schlomoiewicz says in regard to these allegations: "During the two days that I was block altester I ordered all beatings to stop and I did not allow any beatings at all. Sometimes beating was necessary to keep order but I never did so myself and I was not a kapo in Belsen. I deny the story of Judkovitz and I deny the story of Basch. I never hit anyone in Belsen. In Hanover I was a kapo and sometimes I had to give someone's face a slap though it was forbidden, but it was better to slap a face than to report a person to the S.S." He says that there were no parades during the short time that he was at Belsen.

Now, Sir, there is the whole of the case in regard to this prisoner in the camp, and the case for the prosecution is, as you know, that he was taking office under the Germans and was doing the things which they suggest is a war crime on the evidence of these two affidavits.

I am passing over the cases of the Polish prisoners and am going to take No. 33, Ilse Forster. Ilse Forster is one of these number of S.S. affscherin who were employed to perform duties in the concentration camps. She was born on the 2nd September, 1922, in Silesia. She worked in a factory and then she went into the S.S. She had to undergo a period of training and then she went back to her old factory to be a sort of supervisor or overseer.

She says that she left Grunberg at the end of January, 1945, that she went on a march with a convoy of prisoners and eventually, after a certain amount of wandering, she came to Bergen-Belsen. She came to Bergen-Belsen, I think, with Hempel. The date of her arrival at Bergen-Belsen is put at the 17th or 18th of February. She says for two or three days she was in the bathhouse and then she went into Kitchen No. 1 in the men's compound. She was doing general supervision of staff. There were a large number of internee women working there and working long hours and cooking for a large number of people. There were not sufficient aufseherin and they started shifts. She says that they got sufficient food supplies each day but that they could have done with more, that she tried to get more bread from Lothar and Charlotte Klein and she did get some bread. The kitchen staff always got the food they required but she said many internees who did not get enough food came round the kitchen and tried to steal it. If they did not go away she beat them with her hand and sometimes with a stick. "I had a special stick about half a metre long", and she indicated to you what kind of a stick it was. She never had a rubber truncheon and she was never issued with one and she has never even seen one. "The people who came round the kitchen were mostly men and I could do nothing with them except hit them". She says: "Ehlert told us to do this to prevent the stealing of vegetables which were lying outside the cookhouse, the people were hungry and they were obviously coming to steal".

Charlotte Klein says: "I did issue extra bread to Forster at her request. She said she wanted some bread as they worked long hours. Bread was scarce, but I gave her some."

Muller says: "I know the accused. She did her work well. There was always a crowd round her cookhouse because there was a lavatory there. There were always vegetables outside the kitchen and the prisoners were always trying to steal vegetables. I have seen her catch thieves and take vegetables from them and merely shout at them. I have never seen her kill anyone".

The evidence against her is that of Litwinska who gave evidence in person, and a criticism is made of this witness. It is first of all pointed out that the accusation she makes, the first one, was never in her affidavit, but she did mention in her affidavit about a murder or a shooting of a girl by Herta Ehlert and that she has now made no mention of it in this case. In other words the defence are saying that she is quite an unreliable witness, if you accept these criticisms; but that is a matter for you.

She makes an allegation that she has seen Ilse Forster hit to death a young girl of 16 or 17 years when she was in charge of Kitchen No. 1 at Belsen. She says that she beat her, that she defecated, and then she makes the horrible allegation that she caused the girl to eat her own excrement, that she ran away and eventually the girl was dragged out of the kitchen and beaten to death. Gentlemen, that is, I think, the only sort of horrible allegation of a really bestial kind of that nature which has emerged in the whole of the evidence, and the defence, no doubt, would have you say that that is embroidery and cannot be considered as a really cool, calm and collected, statement of anything that really happened, but it is entirely a matter for you to decide.

Litwinska goes on to say that Ilse Forster beat her with a rubber truncheon when she was in charge of kitchen No. 1 at Belsen. She says: "My arms were swollen and my back was blue and green".

The answer to these allegations is that Litwinska's story is quite untrue. Ilse Forster does remember a Russian girl and says that she had some kind of a beating but that she returned to work the next day. Litwinska is, in fact, one of the people who worked on Ilse Forster's staff and they know one another perfectly well. Ilse Forster says: "I was on very good terms with my staff in the kitchen and I never beat Litwinska or anyone else on my staff".

The next piece of evidence is that of Regina Bialek. She says: "I recognise the accused as an overseer in kitchen No. 1 at Belsen. I know her as Ilse Forster. I have often seen her beating prisoners with a stick in the kitchen. I have seen her beat prisoners until they were unconscious and left bleeding on the floor. I saw beatings take place in a room in the cookhouse through the window. Girls were beaten because they asked for their food from the kitchen. I have seen some of these women taken on a wheelbarrow to hospital."

Ilse Forster says: "I know Bialek perfectly well and she knows me perfectly well. She worked in my kitchen, No. 1, cooking at the containers. I agree if she stood at the door she could have seen beatings such as she described if they had taken place but I never took prisoners into a special room and beat them. If I beat anyone I did it in front of the cookhouse so that everybody could see it."

Then there is the evidence of Hilda Lippman, a Polish Jewess. She says: "At Belsen I was a cook in kitchen No. 1 in camp 1. The S.S. woman in charge was the accused. She delighted in catching men and women attempting to steal food. She would take the culprits to a small office adjoining the kitchen and beat them with a rubber stick and kick them. She often drew blood. I saw her once beat a sick man so badly he had to be carried away. Many starving internees who were trying to get food were beaten by her in my presence."

The accused says in reply: "Lippman was a kapo in my cookhouse. I have never seen her hit anyone. Her story is untrue. I never had a rubber truncheon and I never beat anyone."

Now, Gentlemen, in this particular case it is quite clear that the witnesses I have mentioned are apparently all members of Ilse Forster's staff and so it really becomes a simple issue whether you will accept their evidence or not of how severe these beatings were. I gather that Ilse Forster is not attempting to say there were not beatings but that they were reasonable beatings and were only administered for good reasons having regard to the state of the camp.

Then there is this affidavit of Ehlert and the evidence of Ehlert. Frankly it seems to me that the position has got rather confused and I must leave it to the Court to sort it out. Ilse Forster says, according to my note: "Ehlert did talk to me. Ehlert asked me how I was getting on. I told her that the stealing was still going on and I told her I had beaten prisoners. I never told Ehlert I was in an excited state because I had been beating prisoners. I had just finished beating a prisoner but I cannot say that I was excited."

I am going to leave it to you, Sir. It all arises out of an accusation made by one accused against another and if you think there is any substance in it at all well, gentlemen, attach so much weight you like to it but if you do not think it is material at all no doubt you will dismiss it from your minds.

There was other evidence concerning this case, that of Pinchen who says that she was an aufseherin in his kitchen No. 1. Really what this case comes down to is whether you are going to accept that there was a brutal systematic course of ill-treatment by Ilse Forster and that these people who know her well are reliable witnesses upon whom you can act in view of the denial by Ilse Forster on oath.

(At 1310 hours the Court is closed.)

(At 1430 hours the Court is re-opened.)

(The accused are again brought before the Court.)

I will now proceed to deal with the case of Ida Forster, number 34. She was born on the 15th May 1902 in Silesia and she, like the other accused, was employed in a textile factory in Silesia, and was conscripted into the SS on the 16th August 1944.

After a short period of training she undertook duties which she has described to you. Eventually she came to Belsen on the 21st February 1945. She tells you that for a fortnight she had a small working squad taking offal from the kitchen, and then she went to work in No.2 part of No.3 kitchen in Belsen as an aufseherin. She had duties of general supervision but had nothing directly to do with the feeding of the internees. The part of the kitchen in which she worked was controlled by Sturman Jenner, and there were a number of internees working in the kitchen. In the other part of the kitchen was the accused number 16, Francioh.

Frieda Walter worked in the same kitchen, and the accused says that she never saw anyone beaten at all at Belsen and this was because she was always fully employed in the kitchen. She also claims that she never saw anyone shot at Belsen and that the people who worked in the kitchen had quite a good time.

The evidence against her is quite small in compass and is spoken to by Ilona Stein. Again comment is made here that what this witness says in court differs from what she has said hitherto. What she told us was that she remembered Ida Forster in kitchen No.2 at Belsen, that a prisoner, whose name she does not know, came near to the kitchen to get some food or peelings, that the accused ran out of the kitchen, and with a rubber tube hit the prisoner so badly that she had to be carried away. She then went on to add that this was usual procedure when anybody approached the kitchen, but this incident stands out specially in her memory of the accused.

In answer to that allegation Ida Forster says: "I remember Ilona Stein. She did not work in my kitchen. This incident is untrue. I never beat anyone and no one tried to steal anything from my kitchen. In front of the kitchen people used to stand, but I worked inside the kitchen and it was Jenner's job to maintain order outside the kitchen."

Sunschein says: "I do not know much about Ida Forster, but she was an overseer and she had a kommando for work at Belsen". Volkenrath agrees that she worked in the kitchen, and Francioh confirms that she was an aufseherin in No.3 kitchen, that she did not work in the same portion of the kitchen as he did, and he saw her a few times everyday. He says that in the whole of the kitchen No.3 for which he was responsible no SS woman was allowed to have a rubber tube. Well, gentlemen, that is the evidence which is offered to you on behalf of the prosecution in the case of Ida Forster.

The next accused is No.35 Klara Opitz. She was born on the 15th April 1909 in Silesia and worked in a factory, being conscripted into the SS on the 10th October 1944. After a few weeks training at Langenbillaу to become an aufseherin she went home and started her duties in a factory. She continued her duties until February 1945 when she went to work, and eventually reached Nordhausen. In April 1945 she went to Neuengamme, arriving late at night on the 11th April 1945, and she says on the 13th April she left to go to Belsen and arrived there on the same day. You will notice, if you accept that date, that Klara Opitz was only a short time in Belsen before the British arrived.

During the two days that she was at Belsen before the British came she was working in the kitchen in block 9 peeling vegetables near the bread store. She reported to Volkenrath and it was because she told her to work in the kitchen that she went there.

I think after a certain amount of further consideration it was suggested that she was five days at Belsen before the British came rather than merely two, and she explained these five days by saying she worked for two days in the kitchen at Belsen, but for the first three days she did nothing. She did go to Neuengamme for a time and came back with the other aufseherin, and she says she never saw any prisoners beaten at all.

The allegations against Klara Opitz are, like the last accused, very limited in quantity. Litwinski says she remembers this accused working in a room in a kitchen, but makes no allegations against her whatever. Dr. Peter Makar, a Polish subject, states in his affidavit that he recognises Klara Opitz as number 1 on the photograph, and that she was an SS woman in charge of a working party at Belsen. He continues: "I saw her kick a girl and beat her on the face and body with her fist. I have frequently seen her beating women prisoners. She made a particular habit of it". The accused says: "I have never beaten any girls at Belsen, and it is quite untrue that I have ever beaten any prisoners in Belsen". Again some criticism is made of the affidavit because I think it was in two parts, and there was a three week interval between the two. It is suggested by the defence that Dr. Makar has perhaps strengthened up what was very weak material in the first instance.

Kramer says: "I think she arrived in a transport in February or March 1945 but I may be mistaken". Wellkenrath thinks she was only two days in Belsen before the British came, and when Pichin was asked with regard to the kitchen he said he did not know this girl. Neumann gave evidence to the effect that she knew Opitz, and that she, Neumann, arrived at Bergen-Belsen on the 13th April 1945 - that they arrived with a transport on the 11th April and came back on the 13th from Neuengamme. She says that on this journey the accused Opitz was in the same convoy which came from Neuengamme, and this was the first time that Opitz had been to Bergen-Belsen. That is the whole of the evidence which relates to the accused Klara Opitz.

The next accused is No. 36, Charlotte Klein. She was born on the 13th December 1921 in Saxonia. She was employed as a laboratory assistant and was conscripted into the SS on the 1st August 1944 and taken for short training to Ravensbruck. After certain service in camps, which I do not propose to go into, she apparently went on the 20th February 1945 to Oranienburg. From there she went to Belsen, arriving, she thinks, between the 20th and 26th February 1945. Both came with her and another aufseherin, but they were not taking any internec prisoners. She stated that her duties commenced in the bath-house and the wood kommando, and then she went into the bread store for a week. She says she was ill for four days, and went back to the bread store until 29th March 1945. She became ill again and returned to the bread store again on the 6th April 1945 where she remained until the day the British came.

She was arrested on the 17th April 1945 and she had just then contracted typhus. She told you where the bread store was situated, that it was about five metres from the notice board as you go into the camp, and I think you have satisfied yourselves from the plan ^{map} exactly where this place is to be found. She says in her kommando she/thirteen or fifteen prisoners, that she was aufseherin in charge of the bread store which really belonged to the food store, and she was in charge of the bread kommando. You will remember how she told you the bread was taken round in carts to various parts of the camp. She said she went with the carts, but she never had to beat anybody on the bread kommando. She said they worked well and she always treated them well. She then went on to add that apart from the people in the bread kommando she had beaten internees who stole bread, and that this stealing happened very frequently, partly from the handcarts and partly from the store when the door was open. She said if she found anyone

trying to steal bread she merely took the bread away and slapped their face. She never had a stick or a rubber truncheon at Belsen. She said the people in her kommando never stole bread because there was plenty of bread and they could eat as much as they liked. She said that up until the 11th April 1945 bread was still being brought from Soltau, not regularly, but it did come.

The evidence offered against her is that of Luba Triszinska, a Russian Jewess. She says that Klein, photograph No. 22, was the person responsible for beatings to death. Internees pulled the cart of bread from the main store to other stores under her supervision and were beaten for stealing bread. The first statement could not be shorter and it could not be more general. "Responsible for beatings to death", no times, no place, no victims, nothing. You may think it is very difficult for any accused to defend herself against such a general accusation of that kind. Therefore, Charlotte Klein does what is open to her. She goes into the witness box and denies it. She agrees that this bread was taken round in handcarts, but: "I never beat anyone till they died".

Now I will deal with No. 57, the accused Herta Bothe. Here there is a little more substance in the accusation than in the last few cases with which I have been dealing. Herta Bothe was born in Mecklenburg on the 3rd January 1921. She was working at home until 1940 and she seemed to have been working in some kind of hospital which rather interested the prosecutor because he asked her a number of questions about it. She had to go to the labour exchange in 1942, and apparently she was drafted to Ravensbruck for a few days training as an aufseherin. Eventually she went to Danzig. I will leave out the intermediate movements of this woman and I will come to the 20th or 26th February 1945 when she says she came to Belsen.

She gives you a description of her duties. She says the first day there were no duties. On the second day they were registered. On the third day she did some duty in the bath-house, then she was in charge of the wood kommando with sixty or sixty-five prisoners in it. The internees in this kommando were nearly all Russians with the exception of two Poles and two German gypsies. They were all in good health. "My kommando fetched big wood. The male prisoners cut it up and then the women cut that up into smaller pieces. They were working to the West of kitchen No. 4 and block 30B." She says she had nothing to do with the ordinary run of the prisoners in the camp and she never had a pistol. She said she slept in the billet at Belsen with Charlotte Klein and another SS woman named Greta Rheinholdt. She said that everybody had to work their share on the wood kommando, but she would not say that it was really too much for their strength.

She called a witness, who was in fact the woman I have already mentioned, Greta Rheinholdt, who joined the SS on the 1st July 1944. She also went to Belsen, she says, between the 20th and 25th February 1945. She knew Herta Bothe at Belsen and slept in the same room as she did. She confirms that she was ill part of the time at Belsen and that she never saw the accused with a pistol, although she cannot say really whether she had one or not. "I was in a kommando cutting wood but not the same one as Bothe. I did not see Bothe during the day at all". The witness became ill on the 7th March and was in hospital from the 10th to the 29th. Then she came back and slept with Bothe to the last. "The day before the British came I had a kommando cleaning up. Before that I was not fit for duty, so I went and had talks with Charlotte Klein". She says there was beating at this time right up to the end. "I have no recollection of things being stolen from the SS billets. If they were stolen from the billets Bothe did not tell me about this".

The evidence offered to you by the prosecution is first of all that of Etyl Eisenberg, a Belgian Jew, who says that the SS woman Marta Linko (I think it has been agreed that owing to some administrative confusion it really was Herta Bothe) was in charge of the girls preparing wood in the kitchen at Belsen. "She was always beating girls with a stick". Well, the accused says that is not true.

The next is the affidavit of Grunewald, a Czech only 17 years of age. She says: "I recognise No. 5 on the photograph as an SS woman at Belsen. I have been told her name is Herta Bothe. Between the 1st and 15th April 1945 I saw weak female prisoners carrying food containers from the kitchen to the block. They put them down for a rest and I saw Bothe shoot at them with a pistol. They fell down. I cannot say if they died". Bothe replies by saying: "There is no truth in this story. I deny that I ever had a pistol in Belsen".

Then there is an affidavit of Catherine Neizer who says: "I have seen this woman" - that is the accused - "beat sick girls with a wooden stick". Again that is a very general allegation lacking entirely in material which one can check up.

Then there is a statement by Sala Schiferman who is also quite young, being 17 years of age. "At Belsen in February 1945, a girl friend of mine, a Hungarian called Eva aged 17 years, came into kitchen 4 where I worked, to eat some peelings. Bothe saw her and she had a piece of wood brought and beat Eva. Eva fell down and we protested. She then said: 'I will beat her to death' and she then beat her all over the body. After 10 minutes she stopped and the girl was taken to a block where corpses were put. The girl was apparently dead. A woman doctor, an internec doctor, examined the body and said that she was dead."

Bothe says: "Kitchen No. 4 is opposite where the wood kommando worked, but I never went into kitchen No. 4. I have never beaten anyone to death. For a few days in February I was working at the kitchen in the men's compound carrying away swill and not in the wood kommando. I have beaten internees with my hands for stealing, and when I distributed wood to the SS men I found that the internees had stolen articles from their billets. I have never beaten anyone with a stick, rod or truncheon. I took over the wood kommando about the middle of March. I suppose she is saying that this beating or whatever it was was because these internees had been stealing from the SS billets".

The next was the affidavit of Irma Trissinska, the Russian Jewess. This woman is constantly referred to as a nurse for Dutch ladies, but whether she was or not is somewhat a matter of doubt. Koppert says she was not. At any rate, she says: "I knew this woman" - that is the accused Bothe - "as having frequently beaten internees and caused their deaths. She was in charge of a vegetable kommando". The accused replies: "I was never in charge of a vegetable kommando and what is alleged against me is untrue. There was a vegetable kommando in Belsen, but I had nothing to do with it".

There is again an affidavit by Hilde Lobauer and, as I said before, I shall leave it to you to decide what notice you are going to take of accusations made by one accused against another. She did, however, qualify in court what she is supposed to have said in her affidavit. Volkenrath confirms that the accused was in charge of the distribution of wood, and Ehlerst says the same, and that she had nothing to do with the vegetable kommando. Ehlerst also says that she has never seen her beat anybody. Grosse confirms that the accused was in charge of the distribution of wood.

Charlotte Klein says that the accused arrived with her at Belsen and that she slept in the billet with the accused and another aufseherin not now present. That, I presume, would be Rheinholdt. "I never saw Bote with a pistol".

The next accused is Frieda Walter who was born on the 1st March 1922 in Silesia. She was originally employed in a textile factory and, on the 9th October 1944, she was conscripted into the SS. On the 10th October she went to Gross Rosen. She did her training at Langenbilau until the 7th November 1944. She became ill on the 16th January 1944 and eventually, to come to the material date, she arrived at Bergen Belsen, she thinks, on the 24th or 25th February. On her first day she says she did no work, that she was in kitchen No.3 in the women's compound for ten days, (she tells you what you already know that it was divided into two parts) and after ten days she was in a kommando which was putting stones into ditches - the stone kommando. After that she did eight days in the gardening kommando in the commandant's garden. She said she had sixty people in that kommando, but actually working in the garden there were only fifteen. After that she went to kitchen three and was in the charge of the man Jenner. The other aufseherin was Ida Forster and she says she remained there until the 10th April when she went off to Neuengamme. She returned on the 13th April and for the remaining two days worked in kitchen No.2. On the 17th April she was arrested.

In her case there are several accusations against her. The first is the affidavit of Alexandra Ziwidowa who is 21 years of age and a Russian national. She says: "I recognise her as No.2 on the photograph. She was the SS woman in charge of the parties engaged on gardening round the SS quarters at Belsen. She has often beaten many women for attempting to steal potatoes and she struck me on my cheek because of my German in March 1945 causing it to swell. I have seen her beat women with a part of a wooden spade". For some reason the prosecution have thought it right to pick out this particular beating, I think, and include it in the particulars of the first charge where it figures under the heading of causing physical suffering to Alexandra Ziwidowa, a Russian national. That, I presume, is the incident I have just referred to.

The answer to this allegation is that the accused does not remember her name. She says: "I did hit this woman with my hand. She stole potatoes just as others did. I did not know that her face was swollen for more than two weeks. As she says I have hit with my hand prisoners who stole or tried to. I slapped some seven or eight of them who, after being warned, were found with potatoes". It seems to me that there is some argument on this particular striking as to whether it was justified or whether it was so savage, as the complainant says, but that is entirely a matter for you to decide hereafter.

The next is the affidavit of Edith Treiger. She says: "I identify the accused as No.2 on the photograph as an SS woman supervisor of kitchen 2 at Belsen. I have seen her beating practically every day women who approached the kitchen. She beat them over the head and hands with a hose-pipe. Sometimes she kicked them. I have not seen anyone killed by her or rendered unconscious". The accused says: "I was only in the kitchen 2 for two days, and it is quite untrue, and if this happened it is a question of mistaken identity".

Then again we have Luba Triszinska, the nurse to the Dutch children, and she repeats the generalisation: "This woman has frequently beaten internees causing their ultimate death". The accused says: "I never had a stick. It is quite untrue, and I had no rubber truncheon". Volkenrath says: "I knew this woman at Belsen. She worked in the kitchen, I believe in the women's compound, but I am not sure. I cannot say the number of the kitchen. There were five kitchens in all. I do not think that No.33 and No. 38 worked in the same kitchen as they were both aufseherin.

Ehlert says: "I knew this woman at Belsen. She worked in the second kitchen as you come in in the women's compound. It was divided into two parts, but I knew this kitchen as No.3. No.30 and No. 33 were not working in the same cookhouse". Then she said something about that she had heard she beat internees to an unreasonable extent, but this has been watered down by Ehlert. Again, as I have mentioned before, I leave the court to form their own views about that evidence.

Grose confirms that the accused worked in No.3 kitchen and so does Francioh.

I now come to accused number 39, Irene Haschke. She was born in Silesia on the 46th February 1921 and she was also employed in the textile industry until 14th August 1944. On the 16th August 1944 she was conscripted into the SS and went to Gross Rosen. After three weeks training at Langenbilau she went back to the textile industry, but as the Russians were advancing she was evacuated with prisoners and eventually came to Belsen. The date claimed in her case for her arrival at Belsen is the 20th February 1945. Here again all her activities there are shortly that she spent the first three days doing nothing at all, one day on camp duty, eight days in the wood kommando and other kommandos, three days in kitchen No.2 then in kitchen No.3 which had two portions. She says: "The SS man was in charge of my portion" and that was Francioh, and there was another Aufseherin Ault and somebody else.

Klippel says that food for the children was prepared in kitchen No.2, and that the children lived in the women's compound, first of all in a special place then later in the women's compound. The nurses came to kitchen No.2 for their food.

The complainants in her case are first of all Ilona Stein who says: "This woman was in Belsen in No.2 kitchen. I believe she took part in beatings. If a person got a few drops of soup she spilled it and beat the prisoner so badly that she could hardly get up". She confirms that Ida Forster and Haschke served in different kitchens. "Haschke was a supervisor in the kitchen and it was apparently her job to beat people. I remember one day I was trying to get potato peelings from the kitchen and she came at me with a rubber tube as usual, but apparently seeing the British troops she desisted. Several times this woman beat me, but I was sometimes quick enough to get away".

Haschke says: "This story is quite untrue. If internees got some soup I did not spill it, and I do not know why I should have spilled it. I let them go away with it." She admits that she has beaten prisoners when they took food off others, and she says she has beaten them with her hands sometimes. "Also sometimes I used an ordinary wooden stick, but I used to hit people only once or twice".

The next witness was Hanka Rozenwayg who says: "About fourteen days before the liberation a woman went to get water from a water cistern, and the accused pushed the woman into the water. It was a cistern near the kitchen and the woman was drowned. Haschke was the supervisor of the kitchen. I saw this woman often in Belsen. I do not know where she worked but I saw her in the vicinity of cookhouse 1 at Belsen in camp 2". The accused replies to this allegation that the story of Rozenwayg is quite untrue. The defending officer suggests that it is difficult to find any such cistern as this, or even locate the place which the witness Rozenwayg is trying to tell you about. In other words he is suggesting it is quite untrue, but if it did occur it certainly was not the accused Haschke. Sunschein says she was an overseer at Belsen, and Volkenrath says she worked in the kitchen of the women's compound.

There was a further piece of evidence in the affidavit of Catherine Neiger who says that the SS woman Irene Haschke beat sick girls with rubber sticks. The accused says: "I deny that I ever had a rubber stick". Luba Triszinska again says: "This woman has severely beaten internees ultimately causing their death". The accused says that is quite untrue. Then there is a statement by Ehlerst about this woman and again I leave it to you to decide whether you are going to attach any importance to what she said. Grese says that the accused was working in one part of the divided kitchen No.3. Francisch agrees that she was an aufseherin, and agrees that she was in kitchen No.3 at Belsen.

Ilse Forster said there was a concrete pond close to kitchen No.1 at Belsen, but she never saw any bodies in it. You heard about the bodies being in a cistern and being fished out. Mueller said that the Dutch babies got their food from kitchen No.2. He was asked what his impression was as to the location of the concrete pond in Belsen.

Gertrud Fiest is the next accused. She was born on the 31st May 1918 in Silesia. Like the others she worked in a factory in Silesia until 14th August 1944. She was conscripted as an aufseherin on the 16th August 1944 and sent to Langenbilla for three weeks training. She then returned to the factory which had to be evacuated in February 1945, and she brought the internees to Belsen.

In her case the arrival date at Belsen is alleged to be the 28th February 1945. She tells you that the first day she did nothing. Then she was in a gardening party in the commandant's garden for six days, in kitchen No.1 for the following four days, and in the bath-house for two days. After these fourteen days she went into the women's compound No.2 about the 15th April. She says she went to Neuenhagen with the other aufseherin on the 12th April and came back again after this short period. She says that she took appels twice per week in the women's compound. "I counted the prisoners with the lageraltesters and a clerk. The appels lasted about one and a half hours to two hours. I never made them last longer than was necessary. It is quite untrue to say they lasted six hours. It is untrue to say that the sick and dying were forced to attend. They were counted inside the block. It was left to the female doctor to decide who was fit to attend appel or not!" She agrees that she has on occasions hit prisoners with her hand.

The first witness was Hammenasch who says: "I know nothing about Gertrud Fiest, but I saw her twice at Belsen". Anita Laska says: "I have seen her ill-treating people and have seen her make people kneel down in the snow, and beat them at Belsen". Then I think Anita Laska alleged they were made to kneel down because they had taken and improperly eaten turnips. The accused denies this but says: "Once I made them kneel on the order of the aufseherin Gollasch. Four women had been caught stealing and when Gollasch arrived she ordered me to make them kneel down".

Then there was the affidavit of Margarete Berg, a Czech Jewess. She identified the accused from a photograph and says: "About three days before the liberation I was on a working party going to collect grass for mattresses. The accused escorted the party as far as the gate. As we got to the gate a woman collapsed. The accused came out and kicked her in the back. The victim died in my presence". The accused in reply states: "I never marched kommandos to the gate to collect grass. I did march parties to the gate but none of the party fell down, and I have never kicked anyone at all. Working parties never went out from the women's compound No.2! You will remember that the defending officer made some point that the affidavit contradicted itself, because it seemed to talk about going with the kommando and coming out. He asked you to consider what the witness really intended to convey. Did she really mean to implicate the accused Gertrud Fiest in the incident? Catherine Neiger named Gertrud Fiest as guilty of great cruelty. "When on appels she made them last as long as possible; often from six o'clock in the morning till noon. The sick and

the dying often collapsed". The accused Fiest thinks and says that the appeal lasted from one and a half hours to two hours and never six hours. She reiterates what I have already told you, that the sick and ill did not attend, and that they were allowed to remain in the blocks if the doctor said so. Then there is again an affidavit by Hilde Lobauer. It is another of those cases where she makes allegations against a fellow accused which she qualifies hereafter, and it is for you to decide what weight, if any, you are going to attach to her testimony. Volkenrath says: "She came to see me about overcrowding in the women's compound at Belsen. She came more than once and she also went with the doctor who took out the sick and sent them to the C.R.S. She came about medical stores and she came and got some cleaning material, not very much, but she got some at the end of March or the beginning of April 1945 when I was at Belsen. The working parties for outside and administration were always chosen from No.1". Then there was again a reference to the accused by the accused Ehler, which you can consider or not as you please when you come to your finding. That concludes the evidence in the case of that accused.

I will now deal with accused No.41 Gertrude Sauer. She was born on the 8th September 1906 in Silesia. She was apparently working as a clerk in a munition factory. In April 1944 she became an aufseherin employed in a factory, and she says she did not volunteer to be trained as one. She was sent to Gross Rosen then to Langenbühlau. Then I think she said on the 11th November 1944 she went to Rohrsdorf as a lagerfuehrerin. On the 16th February 1945 the factory was evacuated and eventually she came to Belsen, she says, on the 21st February 1945. She says that for three days she had no duties. She had three days in the wood kommando, two days in kitchen 2 of the men's compound, 28 days in the women's compound No.3; seven days in the bath-house, and a few days in a hospital. Then she went back to the bath-house and then helped Fiest with her work. She says she was in kitchen No.2 on the 9th, 10th and 11th April, she thinks, taking the place of Hempel who was ill. She says that she hit prisoners near kitchen No. 2 with her hand when she caught them stealing vegetables. She was in the bath-house the fourth week in March 1945 and in the first days of April. We go through these movements of an accused, of course, in order to try and check up the details given by the witnesses, either in person or in their affidavits.

In this case there are, I think, three witnesses who gave evidence in court in addition to Dr. Binko, who merely said that she was the aufseherin at No.2 women's compound and often came into the hospital asking her to take over cases from No.2 camp. Sunschein says: "She was in my cookhouse at Belsen, No.2 cookhouse. She used to beat girls and pull their hair when they were trying to get remnants of food. Just before the British came she found a girl with a turnip in her hand and she gave her a terrible beating". Gertraud Sauer says: "I admit I have beaten prisoners. I did this openly. I never saw a riding whip at all and I never used one. I have merely slapped girls' faces and that was only when I caught them stealing vegetables. I deny that I ever pulled anyone's hair and that Sunschein was beaten in my kitchen".

Then there came the witness Klein who said: "She used to beat people at Belsen who came to get rotten turnips at cookhouse No.2 at Belsen. She started work in this kitchen at a time when she took the place of another overseer". It is suggested that Klein is an unreliable witness and that you should not accept her testimony on this point. Anita Laske says: "I recognise the accused as often having beaten people at Belsen with a whip. She was in charge of the kitchen and she beat people when they tried to steal from the kitchen. I recognise this woman as working in No.2 kitchen for two or three days at Belsen at the end. I have seen her use a whip as well as her hands. I do not know if there was another SS woman very like her". The accused in answer says: "I never had any whip in Belsen, and I never even saw one at Belsen."

Then there was the affidavit by Catherine Neiger who says: "The SS woman Gertrud Sauer frequently beat girls without reason." Well, the accused cannot give any answer to that because she says there are no particulars with which she can deal. Therefore she chose to content herself by saying that it is not true; she never beat girls without reason.

Next is the affidavit of Maria Neumann. "Gertrud Sauer was an SS woman who was at Belsen in March 1945. Outside No.1 kitchen I saw her beat a man very severely on the head for taking a meatless bone from a swill tub. She then threw him in a ditch. I am a trained nurse. The man must have died from his injuries. Sauer beat me for watching this incident". The defence suggest that this kitchen must have been part of kitchen 3, and this is a case of mistaken identity. They suggest that the witness is mixing up Sauer with another woman called Ault. Sauer herself says: "This story is untrue. I have never been near No.1 kitchen. I have never beaten anyone with a stick. I have never worked in kitchen 3, but I would pass this kitchen everyday at a distance of twenty or thirty metres". Then there was the affidavit of Hilde Lobauer, and again I will leave an affidavit of that kind to the court to consider what reliance or attention they are going to pay to it. Velkenrath says that Sauer worked with Fiast in compound 2 at Belsen. Ehlert says that there was an aufseherin called Ault who had some resemblance to Sauer. "As far as I know Sauer was not at Auschwitz". Then she added: "I have heard that this woman had a reputation of being very severe". The accused says: "Ehlert did say this and I heard her say it, but I do not know what she means. I have always endeavoured to make the regulations more lenient for prisoners". Again this is another of those allegations made by a co-prisoner in the dock.

Francich says he was from No.3 kitchen, and: "I do not recognise the accused as an aufseherin in my kitchen". Ida Forster says: "I knew an aufseherin named Ault who worked in Kitchen No.3 at Belsen. She was working in the kitchen before I arrived there. She was transferred to another job. She looked rather like Sauer. She had a similar figure and was of similar height. She was like the accused in the face and their hair was alike". Kepner confirms that Ault was similar to the accused and that Ault used to beat prisoners with a rubber club. Well, it is for you to say whether you think that in the case of Neumann it really was kitchen No.3 about which she was speaking in which the accused says she did not work, or whether in fact she has mistaken Ault for Sauer.

The next accused is No.42, Hilde Lisiewitz. She was born on the 31st January 1922 in Silosia. At the beginning of the war she seems to have been working in some kind of a garden, and she joined the RAD in October 1940. She seems to have then worked in some sort of refreshment room at a railway station, and eventually went into an ammunition factory. In November 1944 she says she was conscripted into the SS, going to Gross Rosen and then to Langenlila. She then returned to her factory which was evacuated on the 29th January 1945. She says she marched the prisoners away and the material date in her case appears to be the 3rd March 1945 when she arrived at Belsen. She says it was a Saturday. For three days she did nothing, and then on the 5th or 6th March she went into the wood kommando. Then she was, for another few days, in the vegetable kommando outside the camp. From the 13th to 20th March she was employed in bringing vegetables to various cookhouses. Then she was a day in the weaving place, a day in the bath-house, a day off duty, and a week in the cookhouse number 1 in the men's lager. She was taken ill about the 28th or 29th March and was ill for three days, returning for a day to the Peeling department. On Easter Sunday she went to bed ill until the 11th April 1945 when she undertook orderly duties in the camp. On the 12th April she proceeded to Neumengamme. She says that on the 7th February she was ordered to report to Belsen at once, but she did not do so. She absented herself without leave and eventually she reported to Ravensbruck. She said they were angry with her and told her to go straight to Belsen. She is quite sure she did not arrive in Belsen before Saturday 3rd March 1945, and the prosecutor, of course, cross-examined her with a view to showing that she was wrong in the times she came to Belsen,

and that she must have come earlier, and that her story about going absent and then being sent on to Dolsen was quite inconsistent with the ways of the SS.

The first accusation is that of Dora Almalch from Salonika, who says: "The woman Hilde Lisiewicz at Dolsen in April 1945 was in charge of a working party carrying vegetables from the store to the kitchen. Two male prisoners took turnips off the cart and she then beat them and stamped on their hearts. She shook me for crying and I formed the opinion that they were dead. I felt their hearts and left their bodies there". The accused says: "It is quite untrue. I never had any stick". She says they were not issued with tap boots until 13th April, and she also says that under her there were only Russians working and no Greeks. The defence suggest that this incident could not possibly have occurred in the month of April 1945 in any event. The accused apparently agrees that if she found anyone stealing she took what they had from them and smacked their faces. "The Kommande had enough to eat", but, she says, they did eat raw turnips.

The next is the affidavit of Alexandra Sividova who says: "I recognise the accused No. 2 who was the supervisor of a cookhouse at Dolsen". She does not specify which cookhouse it is. "She often beat people for stealing food with a rubber truncheon. She reported these incidents to the Blockleiter and they were beaten again. She also kicked them and many had to be taken to hospital. I cannot say that they died". The accused denies this, and the comment is made by the defence that this particular defendant seems to have a liking for interspersing her evidence with "rubber truncheons". Then there is an affidavit by Herta Ehler and once again I will leave you to deal with it as you think proper.

Dr. Klein says: "I remember when this woman had a high temperature or fever. I do not think it was typhus. It must have been in March or April, and I think she was ill for a long period". Volkenrath says: "When I came out of hospital at Dolsen I did not know what duty Lisiewicz was performing, but I do know she had been ill for a considerable time during the period that I was in hospital". Ehler says: "This woman was always well behaved and treated prisoners really decently". That is, of course, what she said in her affidavit to which I have already referred. Lothe says: "The accused worked on a vegetable kommande for a half day only on the first day of Easter at Dolsen at the end of March or April 1945. She did not work the whole day. She went off at noon because she became ill. She did not carry a stick. Vegetables were moved in carts which prisoners pulled". Pichen says: "This woman was in my kitchen peeling department for a short period in No. 1 kitchen". Ilse Forster says: "I know this woman. She worked with me in the same factory at Grunberg. She left it with me and came to Dolsen at the end of February 1945. She worked in kitchen 1 in the peeling department. In the middle of March for a few days she was ill and came back for a short time, was sick again, and never returned. When she was ill another aufseherin took her place".

I have completed the allegations in respect of this young woman who held the post of aufseherin, and I think that the broad defence which is made by all of them to the accusations against them is that they did a certain amount of beating, but that it was necessary. It was not done with any weapon that could do much harm, and they only did it in the interests of discipline and there was nothing in that beating which would justify you in saying it was in the nature of a war crime.

The next accused is No. 43 Johanne Roth. She is a different type of accused because she is an internee and not an SS woman. She was born on the 27th January in Silesia and after earning her living in various ways she was arrested in January 1941 by the Gestapo because she was living with a Polish displaced person. She says it was the only reason for her arrest. She then seems to have been sent to quite a number of concentration

camps, one of which was Auschwitz 1, and then eventually on the 14th January 1945, I think it is, she leaves the concentration camp Rudy and comes to Belsen arriving on the 27th January 1945. She says that she was an ordinary prisoner throughout all her stay in the concentration camp, and that she came to Belsen as an ordinary prisoner. She says she first of all went to Block 213 and was in that block for six weeks, eventually being transferred to Block 199. On the 4th March 1945 she became a Stellenleiterin which, I think, was a sort of head orderly. There were thirteen German women three of whom were in the camp. Six went into the quarters of the SS laundry, and the rest became Stellenleiterin, appointed by the Aufseherin Gollasch. The accused says that she did not want the job. She did not ask for it because it was a hard and thankless task. She gave you some idea of what it meant. She had to get up at six in the morning and go to roll call. The Blockleiterin was responsible for discipline and she told you exactly what her duties were. She says that in her block there were about fifty sick in the first fortnight and this increased to two hundred and kept increasing all the time. "Aufseherin Gollasch visited us every second or third day." She says that Block 199 did not receive sufficient food because the care was too thin. They received more soup than other blocks because they claimed for 300 persons when they should have claimed for only 250. She was arrested on the 16th June 1945. She says that up to this time she had been walking about openly in the camp with her head, and that she did not leave Belsen because she had a clear conscience and wanted to wait for her papers.

The evidence against her is that of Klein who says: "This woman was a night guard at Belsen in Block 199. I knew her as Johanna Schmidt. She beat people terribly with a broomstick or anything that was available. People had to get up at 5 o'clock to work and she beat sick people who went to the toilet, or sick people who were lying on the floor". Then we get to a specific incident concerning a woman who was supposed to be French, Ida Friedman. It is alleged that she was a sick woman and was beaten up and the following day she died. "This beating was by Johannes Roth because Ida Friedman, when going to the lavatory at night, shouted out. This woman lived in hut 199, but I did not sleep there. I saw this at 3 o'clock in the morning. I do not think there were 100 or 1,000 people in hut 199. I think there were less, but I do not know. There were no cots in the block. It was too dirty for a canteen to live there. There was a Blockleiterin there, an orderly room staff and a night guard. The person in charge of the block was a Blockleiterin Frieda Frankle. She was responsible to the SS for discipline of Block 199. Food was mainly distributed by the Stellenleiterin mainly in the company of the night guard. Roth fed us but not always. She usually slept by day and she had to perform duties at night. Sometimes Roth lit a light. I had a bunk in Block 199, but I preferred to sleep with my friend in the clothing store. Criticism is made of that story because it is suggested that she could not possibly have seen what happened as she was sleeping in another place, and that at the most she is only saying she heard that Ida Friedman died.

The answer to this allegation is that Johannes Roth says she was never a night guard to begin with. She remembers Ida Friedman in Block 199. "I never beat her and I had nothing to do with her death. She was a Polish Jewess and I saw her the last few days before the British arrived". Ehrhart said: "I remember Block 199 and I remember Ida Friedman, a French Jewess. She used to tell the cards for me" - I think by that she means she was a fortune teller - "This was the Saturday before the British troops arrived. I remember she complained that she was hungry and I got her some sausage, bread, and eggs. She seemed very weak".

Lothe says: "I knew block 199 at Belsen. I did not live in it, but after I was ill I became block-leader. I know Ida Friedman; I think she was a Polish Jewess. Ten days after the arrival of the British Friedman was in hospital. I think she had typhus. I do not know of anyone else with the name of Ida Friedman. She used to tell the guards she spoke German. Roth was in hut 199, but she was room orderly, not night guard".

There is a conflict of testimony and it is for you to say what you are going to accept, but the Defence clearly there is that this is a made up story and that Ida Friedman never died and was never treated in this way.

Then there is an affidavit of Luba Roman, who says: "I recognise No. 30 photo as Roth... In March, 1945, a Polish girl, Hoffman, was outside canteen No. 1 at Belsen and wanted to go to the lavatory. Roth would not let her go and she beat her and she excreted there. I protested and Roth beat me. I heard she died".

The answer by Roth is: "The story is a complete lie. I never beat prisoner for no reason at all".

Next there is an affidavit by Sofia Rosenzweig, a Polish Jewess, 23 years of age. She went to Belsen in December, 1944, and she says: "I recognise No. 30 photo as a woman whom I knew as 'Hanni', whose name I now know to be Joanna Roth". Apparently this witness identified the accused in a cell on the 10th July, before Sergeant Aitchison, as the woman she was speaking about. She goes on: "She was the assistant block-leader in block 199 in which I lived. There were 300 women in the hut. The accused had to get them out on appels. I had typhus and was too sick to get up, but the accused made me get up and beat me with a wooden lath from a bed. I had the marks on me for two weeks. Many internees used to feign sickness to avoid the roll call, but in my case it was obvious I was ill. The accused tried to pile up the S.S. too much to the detriment of the internees. I saw her beat an old woman who was sick and could not get up."

The reply to that is: "This is all untrue. I never beat any old woman who was lying in bed. I did beat people in Belsen, mostly during the food distribution, when they tried to get a second helping, or crowding round the containers. I never carried a stick or rubber truncheon. I only beat prisoners with my hand, nothing else, except on occasions I used a small leather belt".

The Defence say that you should consider that so far as appels were concerned the accused only did her duty; that she had to get these people out and she had to resort to a certain amount of force to do it.

The next accused is Anna Hempel, No. 44. She was born on the 22nd June, 1900 in Silesia, and she is rather older and more mature than some of the others, because you will see from that date that she is 45 years of age. She is German and married, and has a son, and she was working in the textile factory at Grunenberg. On the 1st May, 1944, she says that she and 34 others were conscripted into the S.S. for the duration of the war. All the 35 of them went to Ravensbruck for three weeks and then back to Grunenberg factory. In September, 1944, she went to camp 2 and when this was evacuated on the 28th January, 1945, because of the Russian advance, she went to Gugen. She was ordered to Bergen-Belsen, but she did not go direct to Belsen as she was ordered, but she says she went off to Thuringia to see some internees. She says she wanted to get out of the S.S. but she could not. She did not like it because of the treatment that was accorded to prisoners and the conditions under which they worked; they were better in the factory than in the S.S.

She says she arrived at Belsen on the 17th February, 1945, where she had two days off duty and two days in the bath-house. Then kitchen No. 2 in the men's compound of which Heuskel was in charge. She was an aufseherin working alone and was later joined by Rosenthal. They were cooking for no less than 17,000 people.

In the cookhouse there were about 34 female internees and 11 men. The rations were not enough for the prisoners. The daily ration was a litre of soup at lunch time, and three-quarters of a litre at night. She says that realising the position she tried to get more rations for the prisoners. She asked Heuskel and she asked Muller, and they pointed out that nobody had had any bread for seven days. She approached the accused Klein, who worked in the bread store and she said she got some bread from Klein and she got something from Muller so as to make the soup thicker.

She herself says that she had to work for 14 or 16 hours every day on duty in the cookhouse. She stopped working in kitchen No. 2 on the 6th April because she was ill with typhus, and she went to hospital on the 9th April, 1945, in the Wehrmacht barracks, and she was finally arrested there on the 16th April, 1945.

Now the first complainant in this case was Lidia Sumschein. She says that Hempel was the chief overseer deputising for the chief. "I knew her in cookhouse No. 2. She was worse than Sauer. She worked in the same cookhouse with me at Belsen. She beat people with a rubber truncheon and once, when girls were found outside the kitchen with remnants of turnips in their hands, Hempel took them into her room and beat them until I blood came. To the cookhouse personnel she was very cruel, beating them at times for no reason at all. I personally saw this happen many times. A Frenchman called Johnny she beat on various occasions because he would not flirt with her". I do not know what that has got to do with it. She goes on: "I was a kapo in No. 2 kitchen and I never beat anyone. Hempel did not do any cooking, she was chief overseer deputising for the Chief. Beatings most frequently took place in her room".

Now in reply to that allegation Hempel says: "I agree that Sumschein was a kapo working in kitchen No. 2; I knew her. I never beat anyone in my private room at all, because I did not have one. I never had a rubber truncheon. I do not know why she accuses me, as I was on good terms with my staff in the kitchen. I do agree, however, when it was necessary in cases of stealing, that I beat prisoners, but not those of the staff in the kitchen. The internees in the kitchen worked very well. I beat internees with my hands except in the case that is spoken to by Triszinska", which we will come to later.

Helena Klein says: "In my opinion Hempel was the worst overseer in Belsen. She was in cookhouse No. 2. She ill-treated the people who were the personnel in the cookhouse in a terrible way. If anyone approached the kitchen to get food she beat them terribly with a special riding whip which she kept in her room. If she noticed the cookhouse personnel doing anything wrong, such as having food in their mouths, she took the food out of their mouths and beat them. We had another overseer for two weeks when Hempel was away, but Hempel went to Kramer and said she did not beat the prisoners enough. This overseer came and told us all about it. Through the influence of a kapo I got a job in kitchen No. 2 at Belsen. It was very hard work, but we wanted it because the food was better in the kitchen than in the camp".

The accused says that the evidence of Helena Klein is quite untrue and that she never had any riding whip. She says: "In this cookhouse I was joined by an aufseherin Rosenthal. I never beat my kitchen staff, but I had to drive them hard. If I caught any of them stealing they asked me not to send them away from the kitchen but to beat their faces".

Next there is the affidavit of Gertrud Diamant: "I recognise photo 22 as Hempel. She was an E.S. woman employed in the kitchen at Belsen. She beat people with a rubber stick for stealing. Once I saw her beat a very sick man and he collapsed on the ground. I do not know if he died of his injuries". The accused, in reply to that, says: "This is quite untrue. No sick man came to us at all, and I did not beat any sick man at all".

The affidavit of Luba Triszinska is as follows: "I recognise photo 22 as an overseer at Belson in kitchen No. 2 in the men's compound. I was acting in March, 1945, as a nurse to the Dutch children. When I went to the kitchen a male internee stole turnips and she beat him with a rubber truncheon. She then called the supervisor, a rottenfuhrer, who made the internee lean with his back against a door and the supervisor kicked him into unconsciousness".

There seems to be some agreement between the accused and Luba Triszinska about this incident, because she says: "I did catch a man stealing turnips. I hit him with a stick, but I did not call for anyone else and he did not collapse". Westel, I think, must be the suggested rottenfuhrer. "He saw this and came out and slapped him in the face and the man ran away".

There you have some kind of agreement between the Prosecution and Defence that an incident of this kind happened, but again the Defence will say it has been very substantially exaggerated by the deponent. That is entirely a matter for you to decide.

Francish says: "I recognise this woman as an aufseherin in the kitchen. She did not beat people in the kitchen". Charlotte Klein says: "I issued extra bread to this woman".

The next accused is Hildegard Hahnel, and we do not know so much about her because she did not go into the witness box and give evidence. You know perfectly well, in fact you heard me tell the accused, that they could go into the witness box if they liked; that they were not bound to do so, and Hildegard Hahnel has exercised the right which she has in this Court not to go there, and therefore I am unable to put to you what her case is as she would have given it in the witness box. Therefore, all I can do in her case is to deal with the evidence which has been put before you apart from herself.

The first complaint comes from Tella Stogpler, a Jewess from Poland. "I identify the accused as No. 4; she was an S.S. woman at Belson. In February, 1945, whilst in the bath-house with 100 girls the accused was in charge of the bath-house. Because the girls did not dress quickly enough she beat them with a whip when they were naked. The beatings were very severe and produced blood in many cases".

Now to destroy that testimony the Defence have brought out a number of matters from witnesses who appeared in Court. Litwinski says that Hahnel worked in No. 1 kitchen. Volke Rath says: "I know this woman. She came to Belson in the first days of April, 1945, possibly the 5th or 6th. She was never in charge of the bath-house at Belson. Between the 4th and 15th April there was no coal and it was not possible to take bath parades", and then she went on to say she did not believe the affidavit. She says that the accused never took bath parades as she knew of.

Then Pichen says: "I know this woman. She worked in kitchen No. 1, during the last week before the arrival of the British troops. She was engaged in the place where they peel potatoes". Ilse Forster says: "She worked with me in No. 1 canteen. She came to Belson in the first week in April and worked there until the British came. She was never in charge of the bath-house; she worked always in my kitchen. She came to Belson alone".

Sauer says: "I was officially in charge of the bath-house in March, 1945, and that was my job. I was present at bath parades. Prisoners who had been in blocks did have baths and it was not confined to those who were arriving for the first time. I have never seen the accused take a bath parade at Belson. I was in the bath-house the second week and the fourth week of March, 1945, and early April of 1945. During my period in the bath-house no new aufseherins came. The last time I should say that the bath-house

was used might have been the 9th, 10th or 11th April. I am certain that I was on duty in the bath-house as late as the 6th April and that people were having their bath".

Now you will see that the allegation refers to February, 1945, and the Defence say that having regard to the evidence I have just put before you, you should find that Hildegard Hahnel was not in Belsen until April, and therefore it is quite impossible that she figures in this incident which has been deposed to, and further, they argue that so far as the incident taking place in the bath-house is concerned, Hahnel had nothing to do with it either as an aufseherin or as taking charge of parades there.

Well, gentlemen, there is the issue. Are you satisfied that Tella Stempler is correct, or do you think that the evidence is wrong and that whatever may have happened it does not apply to Hildegard Hahnel and that she is therefore not guilty of the allegations made against her?

Now we must retrace our steps a little in the chronological order and go back to accused No. 20, Burgraf. Burgraf was born on the 1st January, 1914, in Poland, and he apparently was a State railwayman. He was arrested by the Germans on the 5th August, 1940, and he was not told the reason. After being put in prison he went to Buchenwald and eventually came to Neuengamme concentration camp, and then he went to Dritte concentration camp. Up to that time he says he was working as an ordinary prisoner like any other internee.

Burgraf says that at this camp he became a foreman towards the end of May, 1944, and that his duties were to see that the prisoners worked and that none got away, because if one did get away the whole kommando was collectively punished. He says the job they were employed on was manufacturing grenades, and he says that his immediate superior was a kapo called Walder. He seems to have held some kind of official position, because he said he had an armband with a word on it meaning that he was a foreman. The kapos had a different kind of armband; it was yellow with the word "kapo" on it.

He says they left the camp on the 7th April not knowing where they were going, and he arrived at Celle on the 8th April. He says that there was an air raid and three friends and five women went into the woods. They were stopped by German police who asked them what they were doing and when they said they did not know where to go they were given passes and told to go to Bergen-Belsen. When they got to a village they were stopped by the Wehrmacht and had to continue the journey under the control of the German troops. He places his arrival at Belsen about 1600 hours on the 9th April, 1945.

Now it is necessary, I think, to go through his movements, because they have some importance so far as the Defence is concerned. He says he went first of all to block 16 and was then transferred the next day to block 19. He says that in block 19 he was employed as an ordinary prisoner, but he does agree - and I do not know what is intended to be conveyed; it is for the Court to consider - that he was appointed privately by the block-leader to assist him in the food distribution. He said he was given the job of stopping prisoners in the block from getting a second helping and preventing people going to other blocks. He said the food distribution was inside the block and the sick prisoners got it inside, but the fit prisoners got it outside in the doorway of the hut.

After getting the food the people had to fall in in fives so as to prevent them getting more food, and his principal job was to guard the doors and the windows.

Now the case put against him is the testimony on paper of Adam Marcinkowski who, I think, is a Roman Catholic coming from Poland, and he says that at Belsen on the 12th April, 1945, at about 3 p.m. a friend,

George Grabonski, from Warsaw, went to block 19. "The accused was standing at the door. My friend asked to be allowed to enter and was refused, and the accused struck my friend a two-handed blow with a square table leg. He was hit on the head and collapsed, and I dragged him away with an open wound in his head. I looked after him and after three hours he died". He then says that Burgraf beat people on soup parades indiscriminately. He goes on: "I have seen the accused beat about 50 persons to death in this way over a period of four to five days" - which, I think, if my arithmetic is correct, is about ten persons a day. "I know him as Modislaw, but I am told his full name is Burgraf".

Now the answer that is given to this witness's testimony is that Burgraf does not know a man called Grabonski and he does not know anything about an incident of this kind. But what he has to say about the complainant is rather interesting; and, I suppose, is treated by the Defence as the reason why a false accusation - as they say - is being made against Burgraf. Burgraf says that Marcinkowski came to his block and asked for a second helping of soup; that he refused it and then he was told that he was a bad Pole because he only looked after other nationalities and not the Poles. He says that Marcinkowski became aggressive and Burgraf had to hit him and there was a fight in which the deponent got the worst of it.

Now I do not know whether that is right or wrong. It is for you to decide, and I will deal with that again very shortly when I come to the evidence of the witness Trzeczko, who was called by Burgraf in his Defence.

There is also an affidavit of Sevek Kobriner, a Polish Jew of 30 years of age, and I would remind you gentlemen that this is outside the scope of the charge, and that even if you thought it true you could not punish Burgraf in respect of it. It has been introduced because the Prosecution say in the circumstances of this case they are entitled to show context and to rebut a defence which Burgraf is raising in the particular charge.

This deponent says that at camp Dritte Burgraf was in charge of working party working in a shell factory, and that in February, 1945, his friend Wachtel from Cracow, was very weak and could not work quickly, so the accused beat him with a thick square stick all over the head and the result was a bleeding nose. My friend could not continue to work. My friend became very ill in his manner and he had to be taken to hospital. I heard he died and I never saw him again". Then he says: "In January, 1945, the accused beating my friend Wolf Platkewitch with a stick in the face. The accused and another took him away, laid him over a box and beat him with iron bars. He was unable to work for four weeks after this. I do not know the reason for this beating, but some shells which should have been stacked had fallen down".

The answer to that by Burgraf is this: "I remember Kobriner" - that is the deponent - "I agree that his friend Wachtel died but it was not the result of beating. We were on a night shift in a shelter", and then he tells you a story which roughly amounts to an explanation that Wachtel was taken ill and that an internee doctor was brought to him; that he was unconscious and cold water was put on his head, and he was taken to hospital where he died, that nothing was done of a violent nature to him, and that Burgraf treated him entirely in a human manner. He says that when he was foreman he did beat people when he had ground, but that was to avoid a collective punishment. He says he does not remember the name Platkewitch, he does not remember the incident, and he says it did not happen.

Now I will deal with the evidence of Trzeczko, who was born in Poland and was arrested by the Germans, and apparently been in the camp Dritte. He says he knows the accused and he arrived at Belsen, he says, six or seven days before the British came. He was put into block 19 and he was joined a day later by the accused. He says that the accused Burgraf was first of

all in the camp police and later an assistant stubendiesnt. He says that he confined two of fices, and then he tells you what he thought his duties were. The accused, he said, seemed very keen on securing order, that there were 1,000 people present and that he had to beat some of them if they pushed themselves too much into the way.

He says that a week before he gave his evidence in this Court he met the deponent Marcinkowski in Lunenburg, and that they had a conversation. He asked Marcinkowski why he was accusing Burgraf and he replied that once, when unloading bread as Burgraf had hit him in the face, and I said: "Surely a small incident like that does not justify an accusation", and he said: "Not only that, but Burgraf hit a man on his left arm so that he died", but he did not say this was Grabonski.

Now there is some corroboration from this witness that the deponent, if you believe it, was telling something for a reason which looked like revenge, and naturally you would consider that and the whole picture, but it does come in by a side wind that Marcinkowski was claiming that Burgraf had used some violence of the kind to which I have just referred.

Trutz goes on: "It was difficult to keep people in order at Belson. They were hungry and even a beating with a stick would not keep them back", and he said that sometimes he had seen a soup ladle handle used. He said the police were very kind and merely pushed people back who were struggling.

As far as I know, it is not the case for the Prosecution at this trial to bring accusations against anyone, however terrible they may be, if they are just ordinary prisoners in the camps at Auschwitz or Belson. The essence of the charge, as you know, is that they should have been in some position of authority that they should have been, as it were, officials who had the power to look after and make the life and health of the inmates satisfactory because they had that authority and, of course, to abuse it is a serious matter.

It is entirely for you to say whether you think that Burgraf could be treated as being on the staff of Bergen-Belson. You have heard the evidence on that and whether you think that he was, by reason of the duties which he was undertaking, on the staff, is entirely a matter for you, and no doubt you will give it proper consideration when the case comes to be decided.

There is only one other matter I perhaps should mention in Burgraf's case, and that is that he says he actually met Marcinkowski himself and that there actually was an argument between them and that they had a row and a fight in Belson. You will remember that he said he was asked to go into a room and that when he entered the door was shut and this man Marcinkowski said to him: "Do you recognise me as being the man in Belson. We had a fight in Belson". He says he was wounded, stabbed by Marcinkowski, and he spent two months in hospital. There is the story with some unusual ramifications in so far as it relates to the accused Burgraf.

Now I am afraid I have to go back to No. 31 and there is certainly a considerable amount of substance in this case, which I am afraid I must deal with. The accused, Ladislav Ostrowski, was born at Lodz on the 27th June, 1914. He says that he was called up into the Polish Army in 1939 and that he fought on the Russian front. He was wounded on the 18th September, 1939, and in April, 1940, was detained by the Germans, but he does not know why. He was taken by the Gestapo to Lodz and eventually went to the concentration camp. He escaped, he says, at the end of 1943, and he went to try and find his wife in Berlin. On the 20th October, 1944, he was arrested by the Gestapo in Berlin and sent to a Berlin prison. He was then ordered to go to the concentration camp at Gross Rosen. Having been in Dora he had an accident on the job when he was working there in an outside kommando. I think he said it was B.12 - and then he was transferred to the job of

stubendionst in block 19, and he then went to 10. I gather all this happened at a place called Ellrich.

Now there is no charge made in respect of anything that may have been done by him at Ellrich, but later on we will consider the bearing of evidence on the charge that you have got to consider at Belsen. The suggestion is, of course, that at Dora or at Ellrich the man was behaving in such a way that you should infer he was doing the kind of things which are alleged against him at Belsen.

Ostrowski says he went with a transport to Belsen arriving on the 10th April, 1945, and he says that when he arrived Belsen was put in block 26. The next day all the sick men were taken to hospital in block 19 by the blockmaster and Ostrowski tells you that at that time was a sick man, and he claims that the whole of the time he spent at Belsen - and it was not very long, you will remember - until the British came was spent in block 19, that he was sick throughout the whole time and did no duties but was attended by an internec doctor.

He says that after the liberation of the camp he was sent to hospital in Celle because the Belsen hospital was full and that typhus was diagnosed and he was returned to Belsen. He had not recovered, but had to leave the hospital and go into a hut at Berwen. He says he was arrested when he was going to a cinema and was standing in front of it. He was arrested by the two Russians who have to be dealt with later in the evidence for the Prosecution who were saying that he was an S.S. man and had been a kapo in Belsen.

He says the Russians gave him a beating and he was arrested by the British. He went to complain to the police, but was put in prison and after his case was investigated he was kept there. The Prosecution, I think, and cross-examined Ostrowski, as to how he got out of Belsen and why. The case for the Prosecution, for what it is worth, is that that he was trying to run away because he was frightened of what he had done at Belsen.

I will go through the evidence upon which the Prosecution is based upon. The first affidavit is that I think I need deal with, if you are satisfied about the identification which was spoken about by Serje in the affidavit of Peter Iwanow. He is a Russian Army signaller taken prisoner by the Germans near Lullin in September, 1941. Ostrowski as a kapo who was on the journey from Dora to Belsen. That they went from Dora to Belsen in eight days, and I think it is agreed that there was a long journey lasting quite a time. "On the journey Ostrowski beat us all the way, knocking down 15 to 20 to the mile. We were at a camp where we stayed a short time. In Belsen I lived. Ostrowski was the kapo in charge of the prisoners and when they were soup Ostrowski beat them with the iron handle of a broken soup can. He was injured on the head and other parts of their body. On the 5.15. Ostrowski came into the block about 5.15. I saw him tread on the feet of the prisoners with the handle making them go out to the toilet. I saw what injuries were inflicted; it was in the dark".

Now in reply to those allegations Ostrowski says: "It is untrue. I was not a kapo; I was far too short a time in Belsen to be made a kapo". He said also that if a kapo came from another camp he was not entitled to become a kapo in the new camp, and he denies the allegations Iwanow makes in regard to the beating with the soup handle.

In dealing with appeals he says: "It is untrue. The witnesses mentioned parades, but there were no parades in Belsen in block 19. It is not correct to say that people were taken to the parades. He says that when people were taken to the parades in block 19 he did not remove them, but strong people came from the parades to remove them.

Now there is an affidavit of Ivan Karobkenikow and the Prosecution draw your attention to the fact that he also is a Russian prisoner of war, 22 years of age. You have had some argument between the Prosecution and the Defence as to whether or not the fact that the Poles and the Russians may have been fighting one another at one time might cause people to make false allegations.

This Russian identifies Ostrowski as the man he referred to in his Deposition and he says that he was in block 19, that he was a camp policeman and that he saw him beat many sick persons, mostly at appel times. He says: "When prisoners lined up for food he beat them. One morning, just after we arrived at Belsen Ostrowski called everyone on appel. One prisoner, a Frenchman - I do not know his name - was too sick to move. Ostrowski hit him on the head with a soup ladle handle. His head was covered with blood. I later saw his body dragged away and put on a heap of dead bodies. I saw he was dead".

In reply to that, Ostrowski says: "At Belsen I was a sick man and I was not a policeman at all. I did not beat anyone at food distributions. I had no functions at Belsen at all." He says, and argues, that if he had no functions to perform in the camp he had no need to try and keep order and discipline and therefore to beat anyone or get them out on appel.

The next is an affidavit by Kalenikow, who again appears to be a Russian soldier captured in 1941. He says that while in Belsen in block 19, Ostrowski was a camp policeman. "When the prisoners lined up for food he would go down the line beating them with a wooden stick. One morning, before the liberation Ostrowski ordered all men in block 19 on parade, including the sick. A Frenchman or Belgian, by the name of Albert, was too sick to move, and the accused hit him on the head and this blow caused his death".

That is denied in the same way by Ostrowski, and you are asked to consider whether these statements are really properly worded because of the way they have been taken and completed. At any rate, there you have accusations against Ostrowski by three Russian soldiers, all of them denied. The answer of Ostrowski is: "I could not do any of those things because I was a sick man and I had no office in the camp".

Then there is an affidavit of Andrej Njkrasow. He was a Russian partisan, he said, of 19 years of age. He said that he was in Belsen in block 19 and that Ostrowski was a camp policeman. He says: "When they lined up for food distribution Ostrowski beat us; heads were cut open", but he cannot say that anyone was killed. "Ostrowski deprived the weak of their food to give it to the strong".

The answer to that is: "Firstly I was sick. I had no duty in the block so I could not influence the distribution of food". Then there was some question which I confess I found rather difficult to follow, that when somebody excreted 900 men were made to sit in a stooping position for three hours outside block 19, but whether that referred to block 19 at Ellrich or whether it was intended to apply to Belsen, is a matter which I must leave to your decision, if you consider it of any importance in the case.

The witness Salonen says that he did hear of some such incident happening, and he says: "I think at Belsen", but he says that it took place in quite a different block from the one in which Ostrowski was.

The next affidavit was that of Vladimir Sulimo, who is a Russian, 21 years of age. He says that Ostrowski went to Belsen with him; that they were all in block 19, and that Ostrowski was the kapo. He speaks of the sick Frenchman who could not go on appel, that he had his head smashed and was killed. He says: "I have been beaten at Belsen by Ostrowski, when sick with typhus and when I asked for food". There is also, I think some complaint by this deponent of the way the accused Ostrowski behaved when he was supposed to be a student at Bora, but on the other hand the

accused says that this allegation by the Russian is quite untrue and that he never beat any such person.

Then there is another so-called affidavit - it is not an affidavit, as has been pointed out to you; it is a statement - of Michal Tomszky, who was another Russian soldier, aged 21 years of age, and who says he was in Belsen in block 19. He says: "On the 5th April, 1945, a Polish kape arrived and became blockleader of block 19". He says that he beat internees from the time he arrived. "The internees were beaten, if they did not hurry at appeals, with a wooden stock or with a rubber truncheon or a spade. He would kick them on the floor and they were very weak. Many died as the result of his brutality, but I cannot give the names of any victims", and then he adds: "There were so many of them".

The answer to that allegation is the same as before, that it was quite untrue, that Ostrowski was a sick man and that at that time no prisoners attend all parades, and he never had a stick or a truncheon at Belsen, and anyway he was far too sick to kick anyone.

Klippel says that he was in the kommando B.12 at Dora, but he cannot remember the accused being there. Stofel says: "My kommando did not include B.12, but on the march from Dora to Belsen the responsibility for prisoners escaping was that of the guard alone. The blockleaders and Lageraltester could go where they wanted in a camp. Kapes were distributed to each company of 100 on the march and they had to remain with their men.

Then Trzes, the witness you have had before, says: "Whenever I saw this man in hut 19 I saw him lying on a bed in the general room. Very few had beds in the block. I never saw the accused taking part in food distribution, but I have seen the soup ladle handle. I did not know him, but I saw him in the block".

There you have a number of accusations made against Ostrowski which he denies, and his answer to all of them is: "I was a sick man". He seems to have been arrested upon the initiative of these Russians who met him, and I must leave it to you to say whether you accept the evidence of the Prosecution or not.

(At 1712 hours the Court adjourns until 0930 hours on Friday, 16th November, 1945.)

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